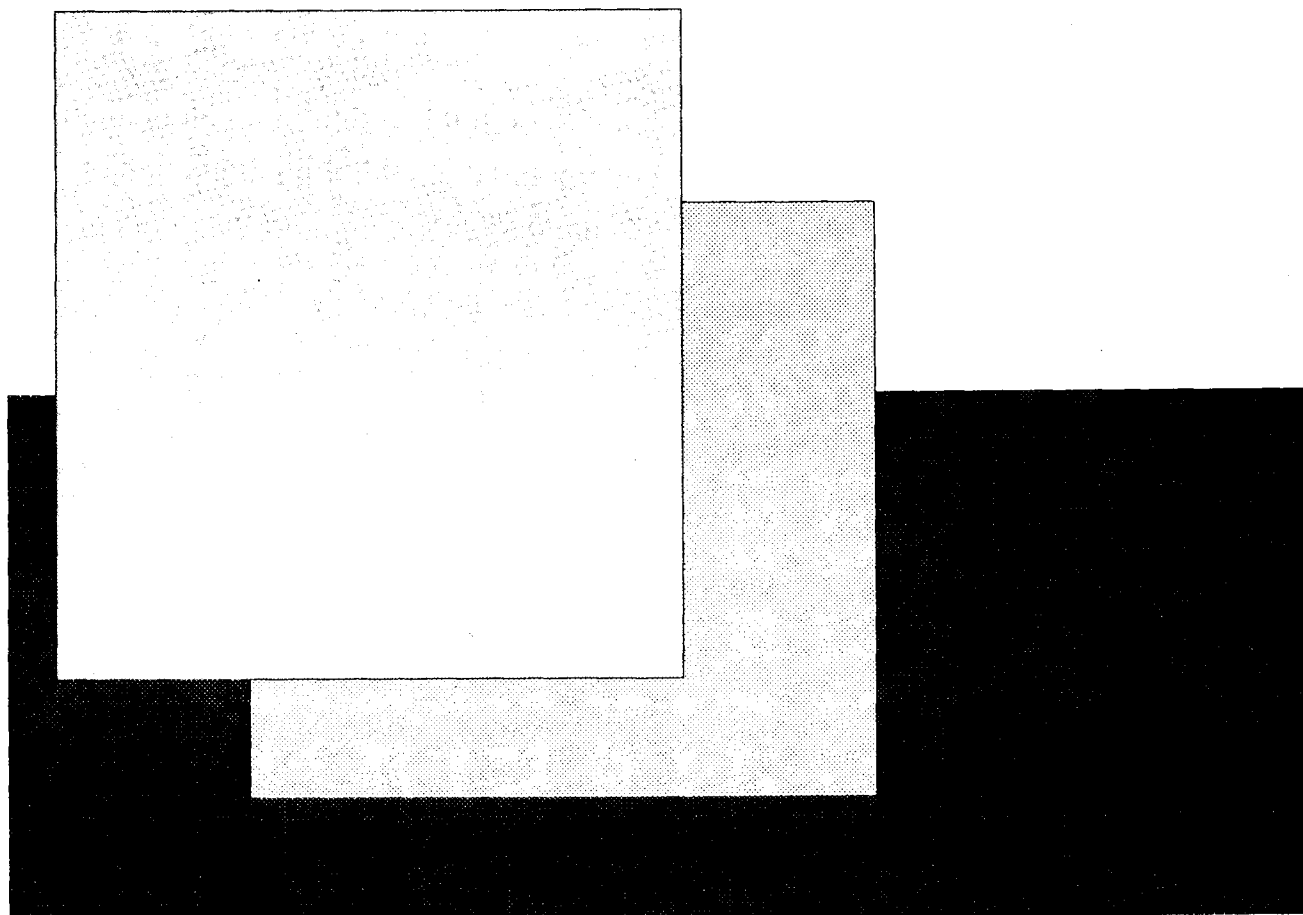


Headquarters,
Department of the Army
Washington, DC
30 August 1993

DA Pamphlet 350-20

This copy is a reprint which includes current
pages from Change 1.

Unit Equal Opportunity Training Guide



DISTRIBUTION RESTRICTION: Approved for public release; distribution is unlimited.

UNIT EQUAL OPPORTUNITY TRAINING GUIDE

Summary. This change addresses policy changes in Interim Change IO4, AR 600- 20. In addition, three lesson plans have been rewritten to provide detailed information on equal opportunity (EO) complaint procedures, EO violations subject to the Uniform Code and Military Justice, and prevention of sexual harassment.

Suggested Improvements. Users are invited to send comments and suggested improvements to the Commander, SSC-FBH, ATTN: Commandant, Adjutant General School (ATZI-AGP-P), Bldg. 401-C, 8899 E. 56th Street, Indianapolis, IN 46216-5530.

1. Post these changes according to DA Pam 310-13.
2. File this transmittal sheet in front of the publication.
3. DA Pam 350-20, 30 August 1993, is changed as follows:

Page 1-2, para. 4, line 2; page 7-2, para. 4, line 1; page 14-2, para. 3, line 1; page 14-2, Figure 14-2, line 1: *For sex read gender*

Page 1-2, para. 7, line 1: *For military units read units*

Page 1-3, para. 3, line 1: *For will follow read should follow.*

Page 2-1, Figure 2-1: *Add two bullets* * Post clear policy statements
* Provide feedback to complainant

Pages 3-1 and 3-2: *Remove and replace with pages 3-1 (CHANGE 1) and 3-2 (CHANGE 1)*

Page 3-3, heading: *For SYMBOLISM DEFINED read CULTURAL SYMBOLS*

Page 3-3, paragraphs 2 and 3, line 1: *For symbology read symbols*

Lesson Plan 4: *Remove and replace with Lesson Plan 4 (CHANGE 1)*

Page 5-1, para. 1, line 8: *For is.... read is that which is arbitrarily based on a person's race, color, gender, national origin, or religion.*

Distribution restriction: Approved for public release: distribution is unlimited.

Page 5-2, third INSTRUCTOR NOTE to the end of the page: *Delete*

Pages 5-3 and 5-4: *Remove and replace with pages 5-3 (CHANGE 1) and 5-4 (CHANGE 1)*

Lesson Plan 6: *Remove and replace with Lesson Plan 6 (CHANGE 1)*

Page 7-2, para 4, line 3: *For sex-based read gender-based*

Pages 7-3 and 7-4: *Remove and replace with pages 7-3 (CHANGE 1) and 7-4 (CHANGE 1)*

Lesson Plan 8: *Remove and replace with Lesson Plan 8 (CHANGE 1)*

Page 9-5, para. 5, lines 4 and 5: *For many Hispanic read some people*
line 8: *For a Hispanic soldier read such a person*
line 12: *For Hispanics read similar soldiers*

Page 9-5, para. 6, lines 4 and 5: *For many Native Americans would rather read a Native American may prefer to*

Page 9-6, para. 2, line 2: *For outrank read supervise*
lines 3 and 4: *For who, either...non-assertive. read who culturally were taught to be non-aggressive.*
line 4: *Beginning with For example, through the end of the page: Delete*

Page 10-1, *For* NOTE: Per AR 600-20...command. *read* NOTE: Per AR 600-20, commanders are strongly encouraged to conduct an internal EO climate assessment within 90 days of their assumption of command and once annually thereafter.

Page 10-1, heading: *For* ASSESSMENT-MANAGEMENT TOOLS FOR LEADERS *read* EQUAL OPPORTUNITY ASSESSMENT-INDICATORS FOR LEADERS

Page 10-2, second bullet: *For* Surveys...command. *read* Surveys are normally administered at unit level by an EOA or EOR.

Page 10-2, Figure 10-1, third bullet: *For* AAA *read* AAP

Pages 10-5 and 10-6: *Remove and replace with page 10-5 (CHANGE 1)*

Page 11-2: *Insert this text after the third bullet:* Consult with EOA to assist in developing an action plan to address specific concerns.

Page 13-1, para. 1, line 3: *For* You must *read* You should

Page 14-2, para. 3, line 3: *For* sex- *read* gender-

Page 14-4, para. 1, lines 2 and 3: *For* uses implicit *read* uses or condones implicit or explicit

Page 14-4, para. 4, lines 1 through 6: *Delete*

Page 14-6, para. 2, line 5: *For* (MCOES) *read* (MEOCS)

Page 15-1, Figure 15-1, fifth bullet: *For* Fast process *read* Deliberate and thorough

Page 15-2, fifth heading: *For* FAST PROCESS OF HANDLING COMPLAINTS *read*
DELIBERATE AND THOROUGH HANDLING OF COMPLAINTS

Page 15-4, para. 1, line 2: *For* UCMJ awards, *read* awards, UCMJ actions, promotion....

Page 15-4, fourth heading and para. 4, line 1: *For* 25-5 *read* 26-6

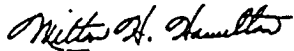
Appendix A: *Remove and replace only those overhead transparencies (OTs) which are* (CHANGE 1) *enclosures.*

Appendix B: *Remove and replace pages B-1 through B-10 with B-1* (CHANGE 1) *through B-6* (CHANGE 1)

By Order of the Secretary of the Army:

Official:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

Distribution: Distribution of this publication is made in accordance with DA Form 12-09-E, block number 4357 requirements for DA Pam 350-20, Unit Equal Opportunity Training Guide.

LESSON PLAN 3

CULTURAL ISSUES RELATED TO EQUAL OPPORTUNITY

TASK: Identify cultural issues related to Equal Opportunity (EO).

CONDITIONS: In a classroom environment.

STANDARDS: Recognition of cultural issues related to EO.

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 20 minutes including practical exercises (PEs).

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers, Practical Exercises 3-1 and 3-2 (CHANGE 1).

TOPICS COVERED: Cultural symbols, cultural symbolism and professional symbolism.

INTRODUCTION

The military is probably the most culturally and racially diverse organization in the country. New soldiers meet and mix with people they view as "different." Often for the first time, they have to adapt to differences in behaviors, speech, dress, etc.. The result of this can be culture shock.

Resistance to making adjustments can create problems not only for soldiers, but also for their leaders. It is therefore essential that all soldiers gain an understanding of cultural differences and relationships.

INSTRUCTOR NOTE: Distribute the Practical Exercises 3-1 (CHANGE 1) and 3-2 (CHANGE 1). Divide the class into at least four equal groups and give them 5 to 10 minutes to complete the PEs. Have a spokesperson from each group present possible answers for the PEs to the class.

PRACTICAL EXERCISE 3-1

SITUATION: You are the platoon sergeant within a company-size element. Several white soldiers have complained about Puerto Rican soldiers displaying the Puerto Rican national flag in the windows of their privately owned vehicles (POVs). Their perception is that the Puerto Rican soldiers are sending a message that says they love Puerto Rico more than they love the United States of America. The white soldiers request a policy be established to ban displaying of national flags (of any culture) on the military installation.

QUESTION: What are the EO issues and concerns from this scenario? What action, if any, should you take to address concerns of your soldiers?

ANSWER: The scenario presents several different problems. The first issue is that displaying of national or cultural flags and symbols is a privilege which can be withdrawn, and not a right. Should your commander feel that displaying of certain symbols in the unit area is a detriment to

3-1 (CHANGE 1) team work and unit cohesion, he or she has the authority to withdraw the privilege. Second issue is whether the concerns of the soldiers are legitimate and require intervention

by the chain of command. Finally, can the request by the soldiers to ban flags from the installation be realistically honored? If it is determined that the perception about displaying Puerto Rican flags is one of misunderstanding then it may be appropriate to conduct cultural awareness training. However, leaders should not overlook the fact that displaying of certain signs and symbols can be used to antagonize others as well as express cultural pride.

PRACTICAL EXERCISE 3-2

SITUATION: You are the squad leader in an infantry unit. While walking through your unit area, you over hear two African-American soldiers in your squad refer to one another as "home boys".

QUESTION: How do you feel about the soldiers calling each other "home boy"? Should you take any action? If so, what and why?

ANSWER: The term "home boy" is sometimes used as a greeting or an expression to show brotherhood or close cultural ties. Slang or other cultural expressions are frequently used by soldiers in addressing one another. However, leaders should be cautious when such terms are used between soldiers of different rank. Such familiarity can cause disciplinary problems when one soldier has to take orders from another with whom they perceived a personal relationship. Sometimes these expressions take on a derogatory meaning or can be misunderstood when soldiers outside the cultural group attempt to use the same expression. It is important that leaders are aware of certain cultural expressions and the positive or negative impact that they can have for a unit's EO climate.

LESSON PLAN 4

PREVENTION OF SEXUAL HARASSMENT

TASK: Identify situations of sexual harassment and recommend appropriate corrective action.

CONDITIONS: In a classroom environment.

STANDARDS: Correctly identify situations of sexual harassment and recommend appropriate corrective action.

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 120 minutes including practical exercises (PEs).

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), Figures 4-1 through 4-8 (CHANGE 1) chalkboard and chalk or butcher paper and magic markers, PEs 4-1 and 4-2 (CHANGE 1).

MAJOR TOPICS COVERED: The Army's program for preventing sexual harassment; policy; categories of sexual harassment; sexual harassment behavior, victim impact, sexual harassment checklist, coping mechanisms, components of prevention; and recommended techniques in dealing with sexual harassment.

INTRODUCTION

INSTRUCTOR NOTE: Paraphrase the following statements:

The elimination of sexual harassment has been a long-standing goal of the Army's EO program. The Army has made a great deal of progress towards an effective policy of prevention. During recent years the issue of sexual harassment has received significant media and political attention in both government and in private sectors. This heightened awareness on the causes of sexual harassment has intensified national debate on prevention strategies.

Sexual harassment affects everyone. It victimizes males as well as females and can occur at any time, and is not limited to the workplace.

The eradication and prevention of sexual harassment is not just a moral imperative; it is a readiness issue. Army leaders continue to re-energize efforts to effect a policy of zero tolerance. Sexual harassment effects unit cohesion and mission effectiveness and violates acceptable standards of equality and fair play. Sexual harassment drains our limited resources and destroys unit morale. It detracts from a positive unit climate that promotes individual growth and teamwork, vital to combat readiness. For these reasons sexual harassment cannot and will not be tolerated.

INSTRUCTOR NOTES: The term "civilian employees" used in this lesson plan, refers to Department of Army civilian employees (DACs) working either appropriated fund or non-appropriated fund position, and Army family members who are contract employees.

Prior to class review Army policy regarding senior-subordinate relationships and fraternization in AR 600-20 and DA PAM 600-35.

POLICY

Sexual harassment is defined in AR 600-20 as follows: Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and

other verbal or physical conduct of a sexual nature when:

- (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- (2) submission to or rejection of such conduct by a person is made as a basis for career or employment decisions affecting that person, or
- (3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

The definition further states that any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

CATEGORIES OF SEXUAL HARASSMENT

Soldiers and civilians need to have a clear understanding of some of the basic principles which are critical to identifying types of behavior which constitute sexual harassment. Two of these include "quid pro quo" and "hostile environment." Also, soldiers and civilians should understand "unwelcome" as viewed by a "reasonable woman" or "reasonable person standard," and the relevancy of impact versus intent.

INSTRUCTOR NOTE: Show OT 4-1, CATEGORIES OF SEXUAL HARASSMENT.

CATEGORIES OF SEXUAL HARASSMENT

"Quid Pro Quo"

Hostile Environment

RELATED ELEMENTS OF SEXUAL HARASSMENT

Impact Vs Intent

Reasonable Person and Reasonable Woman Standards

Figure 4-1

QUID PRO QUO

"Quid pro quo" which is a Latin term essentially means "this for that." In relation to sexual harassment, it refers to conditions placed upon a person's career or terms of employment in return for sexual favors. This may involve threats of poor performance evaluations, firing, or a variety of other adverse actions if the victim does not submit to requests for sexual advances. One can still be a victim despite the appearance of willingly submitting to sexual advances; the threat to a person's job or career only has to be implied.

Quid pro quo can also involve promising favorable actions such as career advancement, promotions, and other benefits should the victim accede to the sexual advances of the harasser.

Incidents of quid pro quo can also have an adverse effect on third persons. It can result in allegations of sexual favoritism, or gender discrimination when a person feels unfairly deprived of recognition, advancement, or other career opportunities due to favoritism shown to another soldier or civilian employee based on a sexual relationship. An example would be assigning a squad member who finds out that his or her squad leader recommends another soldier for promotion based upon promised or actual sexual favors, not upon merit or ability.

HOSTILE ENVIRONMENT

A "hostile environment" occurs when soldiers or civilians are subjected to offensive, unwanted, and unsolicited comments and behavior of a sexual nature. Unwanted and unsolicited in this case means that the behavior was not requested or asked for in any terms. This form of sexual harassment has been identified as the most prevalent within the military.

A "hostile environment" brings the topic of sex or biased gender differences into the workplace in any one of a number of forms. It does not, however, necessarily include the more blatant or easily identifiable acts of quid pro quo. Rather, it normally includes those actions in "the grey areas" or the less obvious kinds of behavior which are based on gender differences.

An example of "hostile environment" often observed in the old Army would have been a predominantly male-oriented workplace where soldiers and their leaders frequently used derogatory feminine terms in describing unsatisfactory male performance, e.g., "wimp," "sissy," or "mama's boy." In addition, they would have used language that contained sexual connotations or was gender based such as certain jody calls during physical training. This environment may have tolerated or even encouraged posting of sexually oriented cartoons and pictures in the work and living areas. Also, telling of sexually explicit jokes and sharing sexist attitudes and opinions were likely prevalent. These behaviors created a hostile environment, whether or not women directly worked in or visited the immediate area.

INSTRUCTOR NOTE: Emphasize that women do not have to be present or be a member of an organization for sexual harassment or hostile environment to occur; men can be sexually harassed by other men.

RELATED ELEMENTS OF SEXUAL HARASSMENT

In addition to the two basic categories of "Quid Pro Quo" and Hostile Environment, soldiers and civilian employees need to be aware of other related elements to identify behavior that constitutes sexual harassment.

IMPACT VS INTENT

Soldiers and civilians must understand that what they may consider to be joking or horse-play must be evaluated on its appropriateness and offensiveness as perceived by the recipient.

When attention of a sexual nature is neither wanted, initiated, nor solicited, it is considered "unwelcome." Assessing whether the behavior is appropriate or offensive must be done from the perspective of the recipient, not the alleged harasser.

In determining whether such behavior constitutes sexual harassment, a primary concern is the impact of the act upon the victim, not the intent of the alleged harasser. An excuse such as, "I

was only joking" is irrelevant. In the event of a complaint, the impact of an incident or series of incidents will be viewed from the complainant's perspective.

The issue of intent on the part of the perpetrator is not a relevant factor in determining whether sexual harassment has occurred.

INSTRUCTOR NOTE: You may inform the class that commanders may consider intent when adjudicating an appropriate command response or specific corrective actions.

REASONABLE PERSON AND REASONABLE WOMAN STANDARDS

Another variable in assessing the impact or expected reaction to sexual harassment is measured by the "reasonable person standard" or the "reasonable woman standard." These standards are used to predict the expected reaction to or impact of perceived offensive behaviors on the recipient. They ensure adequate sensitivity to a person's feelings and perspective while avoiding extremes. The standard asks, "How would a reasonable person under similar circumstances react or be affected by such behavior?" When the complainant is a woman, the evaluation would pose, "How would a reasonable woman be affected or react?"

The purpose of adopting a "reasonable woman's standard" is to avoid the issue of male bias which could exist in a "reasonable person's standard." Because of our socialization, men and women can watch the same behavior, but have a very different perspective about what they saw and what they were feeling.

INSTRUCTOR NOTE: Provide a contemporary or current event or local issue as an example.

SEXUAL HARASSMENT BEHAVIOR

Earlier we stated that sexual harassment could enter the work environment in a number of ways. Sexual harassment behavior is a major factor for determining hostile environment and can be categorized into four basic forms: verbal comments, nonverbal gestures, printed material and physical contact. The following are common examples:

INSTRUCTOR NOTE: Show OT 4-2, SEXUAL HARASSMENT BEHAVIOR.

SEXUAL HARASSMENT BEHAVIOR

Verbal Comments
Nonverbal Gestures
Printed Material
Physical Contact

Figure 4-2

VERBAL COMMENTS

Examples of verbal comments include telling sexual jokes and using profanity, off-color sexual comments, threats; or barking, growling, oinking, and whistling at passersby in describing certain sexual attributes about one's physical appearance.

Telling sexual jokes is one of the toughest forms of harassment to confront. It is not necessarily because of the different perceptions about the offensiveness of the joke, but rather the intent of the person telling the joke is often viewed as being "all in fun" with no deliberate attempt to hurt or do harm. Even those who are offended may laugh along rationalizing that tolerating the storyteller is a form of group camaraderie. However, this rarely is the case. Often the opposite reaction occurs creating a lack of respect and a "here we go again" response when the joker approaches.

Another kind of verbal behavior is using innocent "terms of endearment" such as "honey," "baby," "sweetheart" or "dear" in referring to soldiers or civilian co-workers. Initially this form of harassment appears innocent until someone demands that his or her appropriate title be used. When the victim's request is not honored and the behavior is repeated or escalated to another form, it can be classified as creating a hostile environment.

NONVERBAL GESTURES

Examples of nonverbal gestures are leering, ogling (giving the person "the eye" or "once over"), blowing kisses, licking lips, or winking. Nonverbal forms of sexual harassment may take on a more hostile appearance after the victim has rejected the advances of the harasser. Examples in males could be gestures of impending violence such as a clinched fist, stern facial expressions, or lowering their pants to tuck in their shirts in the presence of women. Examples by females could be adjusting their clothing, showing legs or cleavage, or wiggling in the presence of men.

PRINTED MATERIAL

Examples of printed material include sexually oriented notes, letters, or faxes. Other examples include visibly posting sexual sayings such as bumper stickers, cartoons, posters, calendars, pin-ups, or sexually oriented pictures and quotations found on seat covers or sun-visors where people work or meet.

PHYSICAL CONTACT

Examples of physical contact are touching, patting, hugging, pinching, grabbing, cornering, and kissing. Other examples include playing footsie-kneesie, blocking a passageway, providing unsolicited back and neck rubs, or unsolicited clothing adjustments. Often times sexual assault and rape are defined as physical forms of sexual harassment. Soldiers and civilians should understand that sexual assault and rape are clearly criminal acts and punishable under the UCMJ. When either occur it should be immediately reported to the military police or other law enforcement agencies.

VICTIM IMPACT

INSTRUCTOR NOTE: Show OT 4-3, VICTIM IMPACT.

VICTIM IMPACT

Interferes with Work Performance
Creates Hostile Environment
Promotes Negative Stress
Creates Fear and Anxiety

Figure 4-3

Soldiers and civilians must understand the devastating affects sexual harassment can have on a victim and on unit readiness. Problems due to sexual harassment can manifest themselves in a number of ways. Some are very obvious, while others may be well hidden and not so visible.

The first and most obvious impact sexual harassment has on victims is that it interferes with their work performance. A soldier or civilian employee who has to fend off offensive and repeated sexual attacks cannot perform quality work.

Sexual harassment also creates a hostile environment by placing unreasonable stress on the victim. Sexual harassment promotes a negative form of stress that can affect everyone in the workplace. The impact of this form of stress on the victim can be devastating. It can affect not only the victim's ability to perform effectively on the job, but can also have an adverse impact on off duty time.

Sexual harassment also puts a high degree of fear and anxiety into the workplace. When the harassment is quid pro quo, the fear of loss of job or career opportunities can undermine a unit's teamwork and morale. The bottom line is this: anyone who is sexually harassed will be less productive, and the command climate will likely suffer. Soldiers and civilian employees can only reach their full potential in an environment that fosters dignity and respect.

SEXUAL HARASSMENT CHECKLIST

INSTRUCTOR NOTE: In order to adequately assess whether an incident or behavior is or is not sexual harassment, students must apply the questions in the check list. Take this time to summarize and check learning. Ask the class for an example of behavior for each question.

INSTRUCTOR NOTE: Show OT 4-4, SEXUAL HARASSMENT CHECKLIST.

SEXUAL HARASSMENT CHECKLIST

- o Is the behavior inappropriate for the workplace?
 - o Is the behavior sexual in nature or connotation?
 - o Is the conduct unwanted, unwelcome, or unsolicited?
 - o Do the elements of power, control, or influence exist?
 - o Does the situation indicate a quid pro quo relationship?
 - o Does the behavior create a hostile or offensive environment?
 - o Is the behavior repeated as it relates to gender treatment?
 - o How would a "reasonable person" or "reasonable woman" be affected?
-

Figure 4-4

Determining whether a specific incident or behavior constitutes sexual harassment is significant in the prevention process. The following questions, which are not meant to be all inclusive, can help in that determination:

- o Is the behavior inappropriate for the workplace?
- o Is the behavior sexual in nature or connotation?
- o Is the conduct unwanted, unwelcome, or unsolicited?
- o Do the elements of power, control, or influence exist?
- o Does the situation indicate a quid pro quo relationship?
- o Does the behavior create a hostile or offensive environment?
- o Is the behavior repeated as it relates to gender treatment?
- o How would a "reasonable person" or "reasonable woman" be affected?

COPING MECHANISMS

In order to adequately understand the impact that sexual harassment can have on a victim, soldiers and civilians should be aware of common coping mechanisms. They must recognize the behavior patterns that they themselves or others are victims might elicit in trying to cope with a stressful situation. Coping mechanisms such as denial, rationalization, and avoidance, are the more prevalent types of behaviors associated with sexual harassment.

INSTRUCTOR NOTE: Show OT 4-5, COPING MECHANISMS.

COPING MECHANISMS

Denial
Rationalization
Avoidance

Figure 4-5

DENIAL

Denial is the most frequently used coping mechanism in that it offers an immediate remedy for dealing with a sexual harassment incident. Denial allows the victim to "write the incident off" as if it did not take place. It provides relief by mentally removing the victim from the incident. This removal keeps the person from feeling negative emotions and diminishes the necessity to respond. The incident may occur again, but a victim in complete denial may never acknowledge the existence of the behavior. A person in denial will not admit that the incident ever took place.

RATIONALIZATION

Rationalization is another coping mechanism that allow victims of sexual harassment avoid dealing with an emotional incident. This coping mechanism gives them a logical way of making personal excuses for their own behavior as well as for the behavior of others. Comments such as, "The joke wasn't really directed at me" or "I'm not that kind of person" are frequently heard.

Another form of rationalization relates to a person dealing with a sense of having little or no power. An excuse like, "What can I do? I'm just a subordinate with no visibility in the workplace." Rationalization also excuses the behavior of the harasser. The victim might say, "Surely he isn't really like that" or "She was just having fun."

Rationalization as well as denial precludes or reduces personal feelings of pain and injustice. This is especially true in senior-subordinate relationships where avoiding retaliation may be more important than recognizing personal feelings.

Joking about the harassment is another form of rationalization used to release tension and strengthen one's self-esteem. Victims may even assume that by laughing at the behavior, they draw attention away from themselves and reduce their feelings of being victimized by someone who has power and influence over them. Making fun out of a sexually harassing situation allows the victim to consider the actions of the perpetrator as circumstantial and negate their own feelings about the incident.

AVOIDANCE

Avoidance as a coping mechanism can have a detrimental effect on victims of sexual harassment. Unlike denial and rationalization, the behavior associated with avoidance is easily misinterpreted as abnormal, inappropriate, or bizarre. The victims will sometimes behave out of character, exhibiting a host of excuses in an attempt to remove themselves from the harasser or an offensive environment. Claiming illness can keep a soldier on sick-call or, in the case of civilians, on sick leave. Depending on the severity of the harassment, avoidance can cause actual physical ailments such as an upset stomach, headaches, or other health-related problems. Soldiers and civilians who fail to come to work because of sexual harassment increase absenteeism; this hinders the unit's ability to effectively accomplish its mission.

COMPONENTS OF PREVENTION

Increased emphasis on dealing with sexual harassment in the Army is not only inevitable, but it is highly proper. Because our armed forces are needed to protect our nation's security, tolerating inappropriate behavior or discrimination could be disastrous.

The necessary components of an organization's program to end sexual harassment must include total leadership commitment, career-long mandatory training in prevention of sexual harassment, a clearly established mechanism for reporting sexual harassment, and clear demonstration through disciplinary action that certain kinds of behavior will not be tolerated.

INSTRUCTOR NOTE: Show OT 4-6, COMPONENTS OF PREVENTION.
Paraphrase and modify the following to meet your target audience.

COMPONENTS OF PREVENTION

Total Leadership Commitment
Career-Long Training
Reporting Sexual Harassment
Disciplinary/Administrative Actions

Figure 4-6

TOTAL LEADERSHIP COMMITMENT

The effectiveness and success of any prevention program is dependent upon the support of soldiers and unit leaders. Without full support, the Army's effort to prevent and eradicate sexual harassment will lose its momentum and effectiveness.

Commitment is multifaceted. It starts with the publication of clear and detailed policies. There must be commitment, personal example, and an effective way to monitor actions and enforce them. Leaders must ensure that soldiers and civilians understand their responsibility and commitment to support Army policy on preventing sexual harassment. They must have a sense of caring and an openness to problem-solving.

INSTRUCTOR NOTE: Show or provide the class with Prevention of Sexual Harassment Policy Memorandums used within your command.

A policy memorandum on the prevention of sexual harassment should emphasize the same points required for unit training which are: the Army's definition of sexual harassment (AR 600-20, Army Command Policy), behavioral examples of sexual harassment (which are addressed in this chapter), a personal statement from the commander in support of Army stating that sexual harassment will not be tolerated within the unit, a list of sanctions which may be used against offenders, an encouragement to unit personnel to report incidents of sexual harassment to the chain of command or other appropriate agencies, and a list of resources and agencies that can help resolve sexual harassment complaints.

The policy memorandum should also include the telephone numbers of the organization and/or installation-level EO office and the Sexual Harassment HOTLINE.

INSTRUCTOR NOTE: Ask class members when and where they last received training in the prevention of sexual harassment. This will allow you to point out to the class where the system is working or the need for increased emphasis for conducting EO training.

CAREER-LONG TRAINING

The elimination of sexual harassment begins with a policy of career-long training to identify and prevent inappropriate behaviors. In addition to sequential and progressive training in required military and civilian supervisor courses, unit training in the prevention of sexual harassment (POSH) is required during biannual unit training.

INSTRUCTOR NOTE: Minimum requirements for unit EO training are covered in Chapter 6 of AR 600-20. Paraphrase the following as appropriate for target audience:

The quality and effectiveness of unit training is of primary concern. The most effective approach to training to prevent sexual harassment is through interactive discussion in small groups of mixed gender. Situational vignettes or scenarios should be used to stimulate discussion among unit personnel. The training focus should be equal to the level of experience and breadth of responsibilities for each target audience.

Unit training for junior enlisted will: define sexual harassment and gender discrimination, sanctions which may be used to punish offenders, techniques for soldiers to deal with sexual harassment, and methods of filing a complaint through the EO complaint system.

Unit training for officers, junior NCOs, and civilian supervisors will reinforce the aforementioned training. In addition, emphasis should be placed on promoting a healthy work environment within the section or unit as well as on techniques of receiving, handling, and resolving complaints. Training on the unit's EO complaint system must include the leader's responsibilities in processing informal and formal complaints with strong emphasis on preventing reprisal actions against complainants.

Training at unit level for senior-level noncommissioned officers, warrant officers, officers, civilian managers, and senior executive service personnel will discuss strategies for fostering a healthy command environment and using appropriate sanctions for harassers. In addition, it will reinforce previous EO training received at more junior levels.

INSTRUCTOR NOTE: If your class is targeted at unit leaders, mention that they may ask their brigade or installation-level EOA and unit EOR to help them prepare the training.

REPORTING SEXUAL HARASSMENT

All soldiers, and their family members have the right to prompt and thorough redress of EO grievances without fear of intimidation or reprisal. Refer to AR 600-20 which contains detailed information on the Army's EO complaint process.

The chain of command is the primary channel for handling and correcting allegations of sexual harassment. Although a number of alternate channels are available, soldiers and DA civilians are encouraged to bring their complaints to the first-line supervisor for resolution at the lowest possible level. Should complainants feel uncomfortable in bringing their concerns to the chain of command or the allegation of sexual harassment is against a member of the chain, a number of alternate agencies are available to assist in the complaint process. Some of these agencies include the Inspector General's Office, Chaplain, Office of the Staff Judge Advocate, and the organization or installation Equal Opportunity Advisor. Complaints of sexual harassment may be filed formally or informally. An informal complaint is one in which the complainant does not wish to file his or her grievance in writing. In attempting to resolve the problem at the lowest possible level, it may not be necessary to involve the commander or other members of the chain of command. In some cases, although not a guarantee, the confidentiality of the complainant may be maintained. Soldiers, family members, or civilians who wish to file a formal complaint must submit a sworn statement using DA Form 7279-R. The complainant is responsible for providing all pertinent information to include a detailed description of the incident and the names of witnesses and other involved parties.

INSTRUCTOR NOTE: Inform the class that with respect to sexual harassment, a complainant should not be overly concerned about collecting sufficient evidence to support his or her allegation before filing a complaint.

Complainants have 60 calendar days from the date of the alleged incident in which to file a formal complaint of sexual harassment. The commander who acknowledges the complaint has 14 calendar days (or within three weekend drill periods for Reserve Components) to resolve the complaint or provide written feedback to the complainant. An extension of an additional 30 calendar days may be required in special circumstances. At the conclusion of the commander's inquiry or investigation, the complainant will be informed in writing as to whether his or her complaint was substantiated and the appropriate action taken.

Should the complainant disagree with the findings or actions taken to resolve the complaint, the complainant may file an appeal. Appeals must be submitted within 7 calendar days (next drill period for ARNG or USAR) of being notified as to the final disposition of the complaint. The appeal should be filed with the commander who processed the complaint, next higher commander within the chain, or with the commander who has General Court Martial convening authority. Should complainants feel that they are victims of intimidation or reprisal actions, they must report such incidents to the chain of command or other alternate agencies.

DISCIPLINARY/ADMINISTRATIVE ACTIONS

INSTRUCTOR NOTE: Show OT 4-7, **SEXUAL HARASSMENT BEHAVIORS SUBJECT TO DISCIPLINARY ACTIONS (UCMJ)**. Transition by stating "We have discussed the basic principles and Army policy for identifying and preventing sexual harassment. We shall now look at some of the consequences for violating that policy."

Commanders have a wide variety of options in administering corrective actions or punishment for inappropriate behavior. The UCMJ has a number of articles which may be used to deal with equal opportunity and sexual harassment policy violators. Offenses which are identified as severe forms of sexual harassment are clearly punishable under the UCMJ. (See Figure 4-7.)

In addition to the UCMJ, there are a number of administrative actions that can be used to include the following: bars to reenlistment, memoranda of admonishment and reprimand, relief for cause, rehabilitative transfer, correctional training; formal counselling, and denial of certain privileges. When there is a sexual harassment violation, the block "Supports EO/EEO" on a military rating forms must be marked accordingly. Punishment and administrative sanctions are clear messages that sexual harassment will not be condoned or tolerated.

SEXUAL HARASSMENT BEHAVIORS SUBJECT TO DISCIPLINARY ACTIONS (UCMJ)

OFFENSE	UCMJ ARTICLE
Making sexual comments or gestures	Art 89 disrespect toward superior officer Art 91 insubordinate conduct towards a WO or NCO Art 117 provoking speech & gestures Art 134 indecent language
Offering rewards for sexual favors	Art 134 bribery and graft
Making unsolicited or unwelcome sexual contact with intent to gratify lust or sexual desire	Art 134 indecent assault
Threatening the career, job, or salary of a person unless he or she "cooperates"	Art 127 extortion Art 134 communicating a threat
Engaging in or condoning sexual harassment behaviors	Art 92 failure to obey an order or regulation Art 133 conduct unbecoming an officer
Influencing or threatening the career, pay or job of another person in exchange for sexual favors	Art 93 cruelty and maltreatment

Figure 4-7

RECOMMENDED TECHNIQUES FOR DEALING WITH SEXUAL HARASSMENT

All soldiers and civilian employees have a responsibility to help resolve acts of sexual harassment and are encouraged to report them to the chain of command or appropriate agencies. There are certain actions victims can take to help them deal with sexual harassment situations.

Confronting the harasser is always encouraged, but depending on the severity of the act, directly confronting the harasser may be inappropriate. When reporting a sexual incident a victim should report the specifics of the incident to give the chain of command a chance to resolve the issue. Soldiers and civilian employees are also responsible for submitting legitimate complaints.

Commanders are required to educate their personnel on complaint procedures and in addition should provide them with a source to help prevent or resolve sexual harassment behaviors in the unit or work area. The following techniques are not meant to replace the chain of command, but can be valuable tools in dealing with inappropriate behavior. This following list is prioritized to denote a victim's increased involvement.

INSTRUCTOR NOTE: Show OT 4-8, TECHNIQUES FOR PREVENTION.

TECHNIQUES FOR PREVENTION

Diary	Letter
Talking	Confronting
Intermediary	Reporting

Figure 4-8

DIARY

Keeping a record of daily events is a way to help victims clarify situations and events that affect them emotionally. Like a diary, the information that is recorded should resemble a journal of personal notes. These notes should be factual and include details to include time, location, and names of those present during each incident. Those who elect to use this strategy, however, should be cautioned not to keep their diary in the work area nor should they let others see or read their notes. Like "bad press," this could create additional problems that have nothing to do with resolving the harassment, especially if coworkers and supervisors perceive that the victim is only "keeping book."

The purpose of the dairy is to help victims of sexual harassment sort through their feelings and emotions before taking action. In the event the victim decides to file a complaint, the diary can be useful in recalling specifics on who, what, when, and where. A diary that is used to record information about sexual harassment should not be kept indefinitely. The victim should decide within a reasonable length of time to act rather than continue to record information. Finally, the victim should not merely rely solely upon a diary as evidence to support a case of sexual harassment. Without proper translation the diary could be misinterpreted and detract from dealing with the harassment.

TALKING

Talking to others is a strategy that should be considered when dealing with a sexual harassment situation. Talking has a number of benefits. It can lead a person to alternatives in trying to correct another person's behavior or other environmental problems.

Talking to others in and of itself is a great stress reliever. When people are under stress they may become less effective or productive on the job because their ability to think clearly is diminished. Talking to others in the work area is also a way to clarify perception about what is happening. In other words, do others see things the same way or is this an act of being overly sensitive.

Another advantage of talking is that it can provide the victim with alternatives on how to address sexual harassment problems. When victims are unable to stop the harassment and have to file a complaint, the fact that someone else was informed helps support the victim's allegations.

Whoever the victim elects to talk to should have their trust, confidence, and preferably a leadership role in the organization.

Soldiers and civilians must be cautioned, however, that talking to others, in and of itself, will not resolve the problem; victims must at some time decide to act. If they only talk about being a victim and fail to report the sexual harassment to the chain of command, they may be labeled as troublemakers which detracts from their legitimate complaint.

INTERMEDIARY

A victim may want to take a more direct approach in attempting to stop a sexual harassment situation. However, he or she may feel intimidated, apprehensive or reluctant to speak to the harasser directly. In such cases, a co-worker, supervisor, or another leader can serve as an intermediary and speak to the offender on behalf of the victim. Hopefully, the person who is asked to be an intermediary is not also intimidated. If so, chances for success by this means are minimal at best.

An intermediary does not speak for the victim, but relates what behavior the victim wants stopped. The discussion must be serious throughout so as to leave the impression that the offensive behavior is not being taken lightly. Again, the intermediary must speak to specific types of behavior and let the harasser know that any further behavior will be reported to the chain of command or appropriate agency. If the intermediary is senior to the harasser, the language used in the discussion must be more directive.

LETTER

Another strategy for confronting sexual harassment is to write the harasser a letter. The letter should be professional, polite, and specific about what behaviors are offensive and unwelcome. The letter should contain at least three parts: first, an objective description of the behavior or incident(s) without evaluating the harasser or providing editorial comments; second, a description of how the victim is affected by the behavior; and finally, what the victim wants the harasser to do to correct the problem.

The advantages of this technique are that it gives the victim a chance to handle the situation, it avoids formal charges and public confrontations, and it gives the harasser an opportunity to look at the impact of his or her behavior. It may also minimize or prevent retaliation against the writer.

Victims should be warned that a letter also can be interpreted by the harasser as a sign of weakness or intimidation. Therefore, the victim should be prepared to report the incident should the harassment continue. Victims of sexual harassment should keep a copy of the letter in the event a formal complaint is required. Copies should not be provided to others unless they are involved in the complaint process.

CONFRONTING

Confronting the harasser directly can be an effective method for dealing with unwanted, offensive behavior. Soldiers and civilian employees are encouraged to take this course of action whenever it is appropriate to do so. However, depending on the severity of the act and victim's own confidence for success, direct confrontation may not be appropriate in all circumstances. Victims should be aware that successful confrontation involving severe forms of harassment does not preclude reporting the harassment to the chain of command.

Victims of sexual harassment should be encouraged to confront their harasser at the time of the act or very soon thereafter and do so in a professional manner. The victim should tell the harasser exactly what behavior is offensive and unwanted. However, the victim should be cautioned when using this approach not to verbally attack the harasser, but calmly describe the behavior. Finally, victims should let the harasser know how they feel and that his or her behavior will be reported to the chain of command if the behavior is continued or repeated.

REPORTING

The decision to report an incident of sexual harassment is often viewed as a last resort by most victims. This is due to their fear of involvement, fear of reprisal, or fear of being identified as one who complains. Reporting does have its place even when the victim has been successful in stopping the harassment. Depending on the severity of the incident, "reporting" may be the appropriate first course of action. Reporting may also be the final choice when prior coping efforts have failed and no alternative remains. Reporting must deal with facts so that the commander or other leaders can address specific issues and talk to valid witnesses.

INSTRUCTOR NOTE: At this time divide the class into four equal groups. Give them sufficient time to read the scenario to themselves and then allow 15 to 20 minutes for group consensus on the PE questions. Have each group elect a spokesperson to report responses.

PRACTICAL EXERCISE 4-1

SITUATION: You are a squad leader in HHC, USAG. You supervise six soldiers, five men and one woman. The woman, SPC Donna Johnson, was assigned to the company about three months ago. Until two weeks ago you were very pleased with SPC Johnson's work. She was willing and able to take on additional responsibilities when asked and seemed to be getting along well with all the men. But now you're thinking you may have misjudged her. Lately her work hasn't been up to par. Her material reports have been incomplete, accountability of her equipment is constantly inaccurate, and lately she has been "riding sick call." When you talked to her about it, she seemed distracted and said she would try to improve.

You've also noticed that one of the other soldiers, SPC Matt Thomas, spends a lot of time with SPC Johnson. You overheard him telling her a dirty joke one day, but she smiled and seemed

to find it funny. On another occasion you heard him make a comment about her figure, to her face and in front of the other men. SPC Thomas can sometimes be obnoxious, but everyone likes him and puts up with his bad behavior. SPC Johnson hasn't complained to you, but you feel uneasy about the whole situation.

QUESTIONS:

1. Do you think sexual harassment has occurred in this situation? Why or why not?
2. What is your responsibility as a supervisor? Should you wait for SPC Johnson to complain or speak to you?
3. Do you need more information? What other issues and concerns should you address?
4. What will you do about SPC Johnson's job performance?

ANSWERS:

1. Yes. SPC Johnson is being sexually harassed by SPC Thomas. SPC Thomas' behavior is inappropriate and constitutes actions which might be interfering with SPC Johnson's work. Even though SPC Johnson has not complained, SPC Thomas' behavior has the potential for creating a hostile environment and should not be tolerated.
2. Your responsibility as supervisor in this situation is to correct SPC Thomas' behavior. You should not wait until SPC Johnson complains. You then should counsel SPC Johnson on her work performance to determine the cause of her lower productivity.
3. Yes. As SPC Johnson's supervisor you need to determine why her performance has fallen off. You need to also determine the extent and severity of SPC Thomas' behavior towards SPC Johnson and the involvement of other members in your section. The sexual harassment by SPC Thomas could have had an impact on SPC Johnson's duty performance, however your observations are sufficient to make an on-the-spot correction and counsel SPC Thomas on his inappropriate behavior.
4. What you do about SPC Johnson's performance will depend a great deal on what you determine to be the cause of her reduced productivity. You must counsel her to determine if her poor performance is due to environmental factors or other related concerns.

INSTRUCTOR NOTE: Give the class Practical Exercise 4-2. Let the students read each scenario then discuss the answers among themselves for 15-20 minutes. The scenarios are meant to generate thinking about the various aspects of sexual harassment. In addition the students will gain further insight into understanding concepts and problems with identifying sexual harassment behaviors.

PRACTICAL EXERCISE 4-2

SITUATION A: CPT Bob Jack overheard two of his co-workers, CPT Lisa Gray and ILT Adam West, laughing quietly, whispering, and flirting with each other. The next time CPT Jack passed CPT Gray, he winked and said, "Hi, sweet thing," and looked her over, all in a joking manner. CPT Gray was angry and offended and told him so. **QUESTION:** Did CPT Jack sexually harass CPT Gray?

SITUATION B: When Tom Bennet, a civilian supervisor of military personnel, gets his work group together for their monthly planning session, he always asks SSG Carol Jackson to take notes and make coffee. His work group consists of three administrative assistants--SSG Jackson, SSG Kelvin Bridges, and SSG Reginald Gibson. **QUESTION:** Is Tom sexually harassing SSG Jackson?

SITUATION C. Throughout the day, MSG York has to drop by the job site to oversee the work of his crew, which is made up of three women and eight men. When he passes SFC Monica Thomas or SSG Pamela Hey he occasionally pats one of them or gives them a "little pinch" or a hug. He has never said anything really sexual to either of them, and they've never objected to his occasional touches. QUESTION: Is MSG York sexually harassing the women?

SITUATION D: MAJ Chong really likes his subordinates, and he makes it a point to treat everyone the same. He especially likes to joke and tease in what he feels is a good-natured way. He makes comments like "How's your love life?" and "Don't do anything I wouldn't do", but MAJ Chong would never be lewd or offensive. None of his subordinates has ever objected, and sometimes they laugh. QUESTION: Is this sexual harassment?

SITUATION E: Last night MSG Donald Reese went to a business dinner meeting arranged by his boss, CPT Ora Issacs. He expected the whole office staff to be there, but it was just the two of them. The restaurant was dimly lit, with a very romantic atmosphere. After a few drinks MSG Reese realized that the only business to be discussed was CPT Issacs' attraction to him. Just before suggesting that they go to her house for a nightcap, she mentioned MSG Reese's upcoming Non-commissioned Officers Evaluation Report (NCOER). QUESTION: Is CPT Issacs sexually harassing MSG Reese?

SITUATION F: SGT Martha White is very attracted to her supervisor, SFC Dan Black. Since they're both single, she asked him over for dinner one Friday evening. After a very pleasant evening and a few too many drinks, they ended up spending the night together. QUESTION: Is this sexual harassment?

ANSWERS:

SITUATION A: Yes. CPT Jack's behavior was inappropriate and constitutes sexual harassment. His action has the potential for creating a hostile environment. Although the behavior displayed by CPT Gray and 1LT West is not identified as sexual harassment it appears inappropriate for the work place.

SITUATION B: No. There is no rationale given in the scenario as to why Mr Bennet has SGT Jackson take notes and make coffee, it appears to be discrimination based upon gender role stereotyping, and not sexual harassment. There is not enough information to determine why Mr Bennet assigned SGT Jackson these specific duties during the monthly planning sessions.

SITUATION C. Yes. Based upon the scenario MSG York's behavior appears to be a physical form of sexual harassment. The question is "pats where and pinches where?" There is nothing in this scenario which would indicate that MSG York's behavior is either sexual or offensive but, his physical touching of his subordinates was neither requested nor asked for, and thus has the potential for creating a hostile environment. The behavior is also only directed at two of the three women on the job site. Therefore it appears gender based and inappropriate. His behavior could also be perceived as a form of preferential treatment by the men on the job site and cause for a complaint of treatment that is based on gender difference.

SITUATION D. No. This is not sexual harassment. Though some may view MAJ Chong's comments as a subtle form of harassment, his actions should not be viewed as sexual or offensive.

He treats both men and women the same. However, as the supervisor his comments may be inappropriate.

SITUATION E. Yes. CPT Issacs' behavior is a "quid pro quo" form of sexual harassment. Although she has not mentioned sex in her conversation with MSG Reese, she has made it clear that there is a direct connection between his response to her suggestion for a nightcap at her place and his next NCOER.

SITUATION F. No. However it is clearly inappropriate for supervisors and their subordinates to get involved romantically. This behavior can damage unit morale and discipline. This is also a possible UCMJ violation, fraternization.

INSTRUCTOR NOTE: Distribute practical exercises 5-1, 5-2, and 5-3 (Change 1). Give the class 10 to 15 minutes to complete them, then discuss.

PRACTICAL EXERCISE 5-1

SITUATION: Specialist (SPC) Gutierrez and Private First Class (PFC) Torres were talking about the forthcoming Hispanic Heritage Month observance. Their conversation was in Spanish. SFC Stevens came up and said "You are in America" and told them to stop speaking Spanish.

QUESTION: This is an example of which of the following?

- A) Prejudice, but not discrimination.
- B) Discrimination, but not prejudice
- C) Prejudice and discrimination.
- D) Neither prejudice nor discrimination.

ANSWER: (C) Interfering with their personal conversation, stating they were Americans, and ordering them to stop speaking Spanish is an act of discrimination based on prejudice. English is the operational language of the Army, however, personal conversations, especially off-duty, may take place in any language.

PRACTICAL EXERCISE 5-2

SITUATION B: You are the Platoon Sergeant for the support platoon. Recently two female soldiers were assigned to your unit. Both women hold primary MOS as wheeled vehicle mechanics. When they arrived, the unit was short two clerks. The unit had two men from the motor pool filling the positions until the new clerk-typists arrived. Both men hold a secondary MOS of clerk-typist. During inprocessing, you learned that both women can type 60 words per minute. Although neither soldier holds a primary or secondary clerk-typist MOS, you decide to send the two men back to the motor pool and give the typist jobs to the women. You feel that the women would be happier in an office environment, and their typing skills justify your decision.

QUESTION: This is an example of which of the following?

- (A) Proper utilization without discrimination.
- (B) Improper utilization without discrimination.
- (C) Discrimination, but proper utilization.
- (D) Discrimination and improper utilization.

ANSWER: (D) Based upon the scenario this is a case of discrimination based on gender role stereotyping. It is also improper utilization of personnel based on MOS qualification and position assignments.

PRACTICAL EXERCISE 5-3

5-3 (CHANGE 1)SITUATION: You are the first sergeant of a company sized unit. One of your platoon sergeants present you with information that he believes supports a case of discrimination within the unit's awards and promotion system. At this time it does not appear that

someone deliberately influenced either system. However, the data does indicate a significant disparity between unit personnel based on race and gender.

QUESTION: What action(s) do you believe are required to address this problem raised by the platoon sergeant?

ANSWER: Initially you must determine what is the cause of the disparity in awards and promotions. This can be accomplished by an informal inquiry, or if warranted, a formal investigation. Review unit records pertaining to award nominees and promotion eligibility. You must determine whether the situation is an inherit EO problem or whether there are certain practices and functions within the command that intentionally or unintentionally treat soldiers differently because of race or gender.

LESSON PLAN 6

EO VIOLATIONS SUBJECT TO THE UCMJ ACTIONS

TASK: Identify EO violations which are subject to disciplinary actions under Uniform Code of Military Justice (UCMJ).

CONDITIONS: In a classroom environment.

STANDARDS: Identify the EO violation or offense and appropriate UCMJ article(s).

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 40 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), Figures 6-1 and 6-1 continued (CHANGE 1), chalkboard and chalk OR butcher paper and magic markers.

TOPIC COVERED: EO violations subject to charges under UCMJ.

INTRODUCTION

A significant aspect of the Army's EO program is leader commitment and command support. This implies that EO, as with any other mission in the Army, must be subject to the full range of administrative and disciplinary actions to correct or punish personnel for inappropriate and illegal behaviors. A soldier's disobedience and misconduct may result in consequences unlike any in civilian life. For instance, sexual harassment by a soldier can seriously disrupt a unit's mission accomplishment, which could be fatal on the battlefield. Therefore, soldiers and their leaders must have a clear understanding of not only what behaviors are inappropriate, but also understand the consequences for engaging in or condoning such behavior.

When confronted with an EO violation the leader must consider a number of factors. Some of these include the severity of the behavior, the frequency of the act(s), and the circumstances under which the violation occurred. When considering an appropriate course of action to correct the violation the leader may first pursue a number of administrative actions such as on-the-spot correction, formal counseling, training, a memorandum of reprimand, or if warranted administrative separation.

UCMJ ACTIONS

When the EO violation is a more serious breach of discipline such as deliberate or repeated offenses or the violation constitutes a criminal act, punishment under the Code should be considered. Not every EO violation will warrant UCMJ actions, however soldiers and their leaders must have a clear picture as to which offenses are subject to the Code.

The action taken to address the offense must be appropriate to the specific facts surrounding each incident.

The following is a list of the more prevalent EO violations which are addressed as offenses and subject to action(s) under the UCMJ.

INSTRUCTOR NOTE: Show and discuss OTs 6-1 and 6-1 (CHANGE 1) continued, EO VIOLATIONS SUBJECT TO UCMJ ACTIONS.

EQUAL OPPORTUNITY VIOLATIONS SUBJECT TO UCMJ ACTIONS

OFFENSE	ARTICLE
Making racial or sexual comments and/or gestures	Art 89 disrespect toward superior officer Art 91 insubordinate conduct towards WO or NCO Art 117 provoking speech or gestures Art 134 indecent language
Offering rewards for favors which constitute an EO violation	Art 134 bribery and graft
Making unsolicited and unwelcome sexual contact	Art 134 indecent assault
Attempts or offers with unlawful force or violence to do bodily harm to another person because of race, color, religion, national origin, or gender	Art 128 assault
Threatening the career, job, or salary of another unless they "cooperate"	Art 127 extortion Art 134 communicating a threat
Engaging in or condoning EO violation	Art 92 failure to obey an order or regulation Art 133 conduct unbecoming an officer
Influencing or threatening the career, pay or job of another person in exchange for sexual favors	Art 93 cruelty and maltreatment
Making false statements	Art 107 false official statement

Figure 6-1 (CHANGE 1)

Soldiers and their leaders must clearly understand the impact and consequences of EO violations. Leaders set the standard and lead by example. They must ensure that their subordinates know the policy on inappropriate behaviors. Leaders must take immediate action to correct EO violations and when warranted pursue sanctions under the UCMJ. A key factor in maintaining a positive EO climate is for everyone to know how to prevent an EO violation and keep situations from escalating to the point of legal actions. When soldiers understand that certain behaviors are illegal and subject to severe disciplinary actions the more likely they are to support the program and ensure their behavior is in compliance.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.

INSTRUCTOR NOTE: Ask the your class: What are your responsibilities for enforcing Equal Opportunity (EO) policies? After several responses, show and discuss O.T. EO ENFORCEMENT TECHNIQUES FOR LEADERS, Figure 7-3.

EO ENFORCEMENT TECHNIQUES FOR LEADERS

- * Lead by example
 - * On-the-spot correction (informal counseling)
 - * Formal counseling (written)
 - * Nonjudicial punishment (Article 15, and memorandum of reprimand, etc.)
 - * Use of OER and NCOER
 - * Judicial punishment (court-martial)
 - * Bar to reenlistment
 - * Separation action
-

Figure 7-3

INSTRUCTOR NOTE: Distribute practical exercises PE 7-1 and PE 7-2. Give the class 5 to 10 minutes to form answers, then discuss their answers.

PRACTICAL EXERCISE 7-1

SITUATION: Private Ann Medis hates her unit's physical fitness training. She does not hate exercising or physical athletics. She is tired of the remarks made by men in the unit, such as "can you make those moves for me, Baby?" or "I know how we can sweat together". When she went to the squad leader and complained, he stated that she wasn't cut out for the Army and was being over sensitive. He said, "the men were just joking -- don't take it personally."

QUESTION: Are leader actions required? If so, what?

ANSWER: Yes. Leadership actions are definitely required in this scenario. PVT Medis is a victim of a hostile environment. It is the responsibility of the squad leader to correct the behavior of the soldiers and or report the matter to the chain of command. The squad leader should also be counseled for condoning the behavior of the men in his unit, once brought to his attention and for not taking appropriate action.

7-3 (CHANGE 1)PRACTICAL EXERCISE 7-2

SITUATION: Corporal Jones is the squad leader in the 1st Platoon. During a recent company party, several members of his organization were clustered around the day room swapping war stories and telling jokes. He notices several members of his squad huddled near the pool table. As he approaches the group, he notices that they are passing around a piece of mimeographed paper. Upon joining their conversation, he is handed the paper which contains derogatory ethnic cartoons. Although Corporal Jones is surprised and a little upset about the paper being passed around, he laughs and pretends to go along with the caricatures. The next day he talks to the platoon sergeant

about what happened. She informs him that she has already received several complaints about the incident, but she couldn't do anything about it because she could not determine who initiated the paper.

QUESTION: What EO responsibilities, if any, are required of the individual soldiers, squad leader, platoon sergeant, and chain of command?

ANSWER: EO responsibilities in this scenario should have started with any soldier in the group stating such behavior should be curtailed. Since no one in the group took corrective action it then became Corporal Jones responsibility. Upon his arrival he should have made an on-the-spot correction by informing his soldiers that such behavior is inappropriate and in violation of Army EO Policy. When leaders pretend to go along with any ethnic or gender related joke, they endorse the behavior as being ok.

The platoon sergeant's response that nothing could be done, in this case, is inappropriate. Incidents of this nature can have a far reaching impact on unit cohesion. The platoon sergeant should bring this incident to the attention of the chain of command, i.e. the platoon leader or company commander. The squad leader and platoon sergeant need to ensure that all actions involving their EO responsibilities have been pursued.

The commander, as a minimum, may only decide to call those involved, or gather the entire company for refresher training on the Army's EO Policy as it applies to this situation. In the event of a formal complaint the commander may elect to conduct an inquiry or full investigation into the incident. The appropriate corrective action(s) will be based on the findings from the inquiry or investigation.

LESSON PLAN 8

ARMY EQUAL OPPORTUNITY COMPLAINT PROCEDURES

TASK: Describe equal opportunity complaint procedures of the Equal Opportunity Program.

CONDITIONS: In a classroom environment.

STANDARDS: Describe the equal opportunity complaint procedures.

TARGET AUDIENCE: All leaders and soldiers.

RECOMMENDED INSTRUCTION TIME: 50 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs) Figures 8-1 through 8-4 (CHANGE 1), chalk and chalkboard or butcher paper and magic markers.

TOPICS COVERED: Types of complaints; alternative agencies; entering the EO complaint process; the right to appeal; and protection against reprisal or intimidation.

INTRODUCTION

Discrimination and sexual harassment can have serious consequences for unit cohesion and teamwork essential to winning on the battlefield. The Army's EO complaint process is designed to address grievances specifically related to discrimination based on race, color, national origin, religion or gender. All soldiers, family members, and DA civilians have the right to thorough and expedient investigations of their EO grievances when they perceive an injustice or incident of unfair treatment. They may report acts of discrimination and other EO violations to the chain of command or to others appropriate individuals.

The chain of command is the primary channel for handling allegations and correcting incidents of discrimination or sexual harassment. Although a number of alternative agencies are available, soldiers and DA civilians are encouraged to bring their complaints to the first-line supervisor for resolution at the lowest possible level.

The commander, with the help of the chain of command and NCO support channel, is responsible for ensuring that all soldiers and DA civilians are fully aware of the procedures for having their complaints heard. These procedures are required to be in writing and prominently posted in the unit or work area.

INSTRUCTOR NOTE: Indicate that written complaint procedures should also provide the following: the name and telephone number of the organization's EOA and/or EOR and the installation EO/Sexual Harassment "HOTLINE". Provide information on each category as it relates to your command.

This lesson addresses a number of initiatives that are designed to increase the overall effectiveness of the Army's EO complaint process.

In recent years there appeared to be a loss of faith and confidence by soldiers and their leaders in the Army's EO complaint system. Soldiers frequently complained of little or no feedback after their complaint had been filed. Both investigation and processing of complaints typically moved very slowly. This sometimes resulted in no actions being taken as witnesses, complainants, and alleged perpetrators changed duty stations or retired from active service. If a

complaint could not be validated, more than likely little more was done to resolve the concerns of the complainant. Soldiers also lacked a viable appeal process. The fear of reprisal in reporting discrimination or sexual harassment complaints caused such complaints to be reported less frequently or not at all.

Revisions to AR 600-20 resulted in significant changes in the complaint process and addressed many concerns that soldiers and leaders may have had. The new system allows complaints to be solved at the lowest possible level. In addition, it identifies the use of alternative agencies, external to the unit, which can help process EO complaints and identify appropriate resolutions.

The complaint system is a significant part of the unit's overall EO program. Regardless of which agency the complainant chooses, the chain of command must be responsible for resolving allegations.

INSTRUCTOR NOTE: Refer to AR 600-20, Chapter 6, for detailed instruction on procedures for processing EO complaints. Show OT 8-1 (CHANGE 1), TYPES OF COMPLAINTS.

TYPES OF COMPLAINTS

Formal
Informal

Figure 8-1 (CHANGE 1)

TYPES OF COMPLAINTS

Equal opportunity complaints fall into two general categories, informal and formal:

INFORMAL COMPLAINTS

An informal complaint is one in which the complainant does not wish to file in writing. This type of complaint facilitates resolution of EO grievances at the lowest level. In addition, the resolution of an informal complaint may not require involving the chain of command.

Informal complaints are not subject to timeline suspense nor are they reportable to higher headquarters. However, they are no less important and should be addressed with a sense of urgency and a sincere intent to resolve the complaint. Although not a guarantee, the confidentiality of the complainant may be maintained. Should it be necessary to conduct a formal investigation to resolve an informal complaint, the complainant may be required to make a sworn statement or file a formal complaint on DA Form 7279-R.

INSTRUCTOR NOTE: The mere fact that a soldier wants his or her complaint handled informally does not prevent or exempt allegations from formal investigation. If formal investigation or intervention by the chain of command is required to resolve an informal complaint, then the soldier should be encouraged to submit DA Form 7279-R (EO Complaint Form).

FORMAL COMPLAINTS

A formal complaint follows a prescribed process. A soldier files a formal complaint by submitting a sworn written statement on the Equal Opportunity Complaint Form, DA Form 7279-R. The soldier identifies on the complaint form, the alleged concern(s), names the parties and witnesses involved, describes the incident(s) or behavior, and specifies the date(s) of the occurrence(s). The soldier also states the EO basis of the complaint (i.e., discrimination based upon gender, race, ethnicity, religious affiliation, or sexual harassment) and what action he or she would like taken in resolving the complaint.

Attention to detail in filing the complaint is important. Detailed information on the form provides the commander and other members of the chain of command with facts to determine the validity of the allegations.

Formal complaints are recorded and reported by each command in quarterly and annual unit complaint reports. In addition to a copy of DA Form 7279-R, documentation on the final disposition of the complaint is kept at the first echelon of command authorized an EOA for a period of two years after the resolution of or final decision on the complaint.

Soldiers and family members have 60 calendar days from the date of the alleged offense in which to file a formal complaint. This time limit was established to set a reasonable parameter for investigating and resolving complaints (e.g., availability of witnesses, accurate recollection of events, and timely remedial action). The commander may, at his or her discretion, choose to investigate and take action on complaints filed after the 60 calendar day period.

INSTRUCTOR NOTE: Ensure that the class understands that allegations that are criminal in nature are exempt from the 60-calendar day rule and will be immediately referred to Military Police or CID.

COMPLAINTS AGAINST A MEMBER OF THE CHAIN OF COMMAND

Soldiers must also know procedures for filing formal EO complaints against members of the chain of command. Soldiers who wish to file a formal complaint against the command staff or other members of the chain of command may use a number of alternative channels. These include a higher echelon commander, the organization or installation Command Sergeant Major (CSM), Equal Opportunity Advisor (EOA), chaplain, Office of the Staff Judge Advocate (OSJA), Provost Marshal Office (PMO) or Criminal Investigators (CID), Adjutant General (AG), Housing Referral Office (HRO), and the Inspector General (IG).

INSTRUCTOR NOTE: The timelines and procedures outlined in this lesson plan do not apply to complaints filed with the IG. Complaints filed with the IG will be processed outside of EO channels in accordance with AR 20-1. Now show OT 8-2, (CHANGE 1) COMPLAINTS AGAINST A MEMBER OF THE CHAIN OF COMMAND/USE OF ALTERNATIVE AGENCIES.

COMPLAINTS AGAINST A MEMBER OF THE CHAIN OF COMMAND/ USE OF ALTERNATIVE AGENCIES

EOA	HRO
CHAPLAIN	IG
PMO	AG
SJA	

Figure 8-2 (CHANGE 1)

ALTERNATIVE AGENCIES

Although handling EO complaints through the chain of command is strongly encouraged, this is not the only channel for addressing EO grievances. Should the complainant feel uncomfortable in filing a complaint with the chain of command, or should the complaint be against a member of the chain of command, a number of alternative agencies exist to assist in processing EO complaints.

In attempting to resolve an EO allegation, the soldier decides whether their complaint should be given to the first line supervisor, higher echelon commanders or an alternative agency. Alternative agencies have specific command responsibilities that make them a viable asset in helping soldiers and family members resolve EO grievances.

Commanders are responsible for ensuring that soldiers are not discouraged from using these agencies. Should the receiving agency determine that the complaint should be referred to another agency or the chain of command, the referral will be accomplished within three calendar days. The following are frequently used agencies with a brief description of each agency:

- o Equal Opportunity Adviser (EOA): Is assigned to help commanders at brigade or higher levels to implement their EO program. The EOA is trained to receive, process, and conduct inquiries into complaints of discrimination and sexual harassment. In addition, the EOA has the expertise to make recommendations for corrective actions and sanctions against violators of EO policies.

- o Chaplain: Serves as advisor to the command on all religious matters and provides guidance on religious practices, family and marital counseling, and other secular or non-secular services. The chaplain is the subject matter expert on addressing issues concerning religious discrimination or accommodation.

- o Provost Marshal (PM): Is primarily responsible for receiving and investigating violations of the UCMJ which are criminal in nature. The PM is responsible to the Commander for monitoring the treatment of soldiers and investigating complaints of discrimination or unfair treatment by off-post activities.

- o Staff Judge Advocate (SJA): Is responsible to the Commander on all legal matters. The SJA serves as an advisor in litigating criminal charges and prosecuting soldiers for criminal offenses; assesses trends in administering punishment and allegations of discrimination in administering military justice; may receive complaints about discrimination in legal proceedings or about administering judicial and nonjudicial punishment.

- o Housing Referral Office (HRO): Is responsible for monitoring and administering the installation's housing referral program. The HRO will receive and investigate complaints of discrimination in rental or sale of off-post residents.

o Inspector General (IG): Serves as advisor to the commander on all matters of command. The IG is responsible for monitoring and inspecting command functions which are essential to mission effectiveness and combat readiness. The IG's office is the principal agency for receiving and investigating complaints about command environment and leadership. (See para. 1-4, AR 20-1.)

o Adjutant General (AG): Responsible to the commander on all personnel management issues. The AG can receive a variety of administrative appeals and requests for personnel actions related to EO allegations.

INSTRUCTOR NOTE: Show OT 8-3 (CHANGE 1), ENTERING THE COMPLAINT PROCESS.

ENTERING THE COMPLAINT PROCESS

Determine nature of allegations
Prepare DA Form 7279-R
Determine appropriate agency
Swear to complaint
Consult with EOR or EOA

Figure 8-3 (CHANGE 1)

ENTERING THE EO COMPLAINT PROCESS

Deliberate resolution of EO and sexual harassment complaints is in the best interest of both the soldier filing the complaint and the command. Although submission of EO complaints to the chain of command is strongly encouraged, it is the soldier or family member that ultimately determines where the complaint will be initiated. The nature and circumstances surrounding certain allegations will dictate whether alternative agencies are more appropriate. For example, complaints concerning discrimination related to on-post activities would be more appropriately handled by the installation commander. However, regardless of what agency handles a formal complaint, the complainant must be sworn to the complaint on DA Form 7279-R. Any complaint which identifies criminal activity will be referred to the proper commander or agency for processing. Complaints of sexual assault or rape will immediately be referred to the appropriate medical agency for the collection of evidence in a criminal investigation and in treating and counseling the victim. Claims of discrimination in housing, both on and off post, will be referred to the housing referral office.

Complaints filed with the IG's office will be processed as an Inspector General Action Requests (IGARS) IAW AR 20-1. No timeline will be imposed on conducting the investigation or feedback to the complainant. Complaints filed against promotable colonels, general officers, IG of all components, members of the Senior Executive Service, or Executive Schedule personnel will be reported to the Investigations Division, U.S. Army Inspector General Agency within five calendar days of receipt.

Regardless of what agency or commander receives the complaint, the chain of command has 14 calendar days (or three weekend drill periods for Reserve Components) in which to resolve

or refer it to a higher echelon commander. The commander who has the responsibility for resolving the complaint may request an extension of up to 30 additional calendar days (or two weekend drills for Reserve Components) after the initial 14-day suspense.

Receipt of complaints will be annotated in writing on a DA Form 7279-R, Part Id. If the receiving agency decides not to investigate but to refer the complaint to another agency or, with the consent of the complainant, back to the appropriate commander, the referral must be made within 3 calendar days (at the next drill period for reserve components), with the written acknowledgment of the commander or agency receiving the referral (DA Form 7279-R, Part 10a).

CONSULTING WITH THE EOR OR EOA

The unit Equal Opportunity Representative (EOR) or the organization or installation Equal Opportunity Advisor (EOA) serves as a ready resource to help commanders and their soldiers resolve EO grievances. Before submitting a formal complaint, the complainant may want to consider consulting with the EOR or EOA to clarify their concerns or discuss alternatives in resolving EO grievances.

Soldiers should not expect EO personnel to take sides nor direct them in resolving their complaint. Whether at unit or higher echelons, EO personnel can serve as an alternative agency to receive and process EO complaints. They can be invaluable assets to commanders and soldiers in identifying and developing courses of action to resolve situations of discrimination or sexual harassment.

INSTRUCTOR NOTE: Show OT 8-4 (CHANGE 1), EO COMPLAINT PROCESS

EQUAL OPPORTUNITY COMPLAINT PROCESS

Inquiry or Investigation
Feedback to Complainant
Right to Appeal
Protection Against Reprisal or
Intimidation

Figure 8-4 (CHANGE 1)

CONDUCTING THE INQUIRY OR INVESTIGATION

The Unit commander will conduct an inquiry and or determine whether sufficient evidence exists to warrant a full investigation. The EOA may also assist the commander in conducting this inquiry. Should the commander determine that full investigation is required then he or she will forward the complaint to the battalion or brigade level commander for the appointment of an AR 15-6 investigating officer. The investigating officer will review the complaint, obtain lists of witnesses from the complainant and alleged perpetrator(s), and should consult with the command EOA. The investigating officer is required to interview the complainant, alleged perpetrator(s), and all applicable witnesses. In addition the investigating officer will review appropriate records and reports. If during the investigation the investigating officer suspects a criminal offense has

been committed then the involved parties will be advised of their rights under Article 31, UCMJ. The investigating officer will provide a written report to the commander on the results of the investigation. The commander appointing the AR 15-6 investigation will review the facts and take appropriate action.

FEEDBACK TO COMPLAINANT

It is extremely important for complainants to be kept informed on the disposition of their complaint or the progress of the inquiry or investigation. One of the primary criticisms heard in evaluations of complaint systems is that soldiers receive very little, if any, feedback on the results of investigations or actions being taken by the command to punish offenders or remedy the situation.

Whether the complaint is formal or informal, the complainant should be provided feedback on the disposition of his or her grievance. Initial written feedback to the complainant on DA Form 7279-R must be forwarded within 14 calendar days after receipt of the complaint. Written feedback will consist of investigative findings and an affirmation that appropriate action is being considered or taken to resolve the complaint.

Within 30 calendar days of the initial feedback (44 total calendar days), complainants should receive a final written disposition to their complaint. In the event feedback or final disposition is not received in the prescribed time limits, complainants should request feedback verbally or in writing through their immediate chain of command.

THE RIGHT TO APPEAL

Should the complainant be dissatisfied with the disposition of his or her complaint or the corrective actions taken by the chain of command, he or she has the right to appeal. Appeals must be submitted within seven calendar days (at the next drill period for Reserve Component) following written notification on the final disposition of the complaint. An appeal to an EO complaint can be submitted to the soldier's immediate commander or the next higher commander. The final decision authority for appeals will rest with the General Court Martial Convening Authority for that major command. An exemption exist for those organizations that have Memorandums of Understanding (MOU) or Memorandums of Support that delegate UCMJ authority to the local commander. An appeal must be submitted using DA Form 7279-R, Part IV. In preparing an appeal, the complainant should indicate whether he or she desires an appointment to speak with the appeal authority. On a separate piece of paper, the complainant specifies exactly, what issues (i.e., disposition, investigation, or corrective actions) he or she has disagreement. The appeal authority has 14 calendar days (30 calendar days for Reserve Component) to respond to complainant. The general court-martial convening authority will have "final decision authority" for appeals in that major command.

PROTECTION AGAINST REPRISAL OR INTIMIDATION

Department of the Army personnel are prohibited from taking any action that discourages soldiers or family members from filing a complaint or seeking assistance to resolve an EO issue. Army personnel are also prohibited from taking any disciplinary or other adverse action against a soldier for filing a complaint, seeking assistance, or cooperating with an investigating officer.

However, this does not preclude taking action against those who file fraudulent complaints or give false statements.

It is the responsibility of the chain of command to ensure that all complainants are protected against reprisal or retaliation for filing EO complaints. Should soldiers or their family members be threatened with such reprisals or should an act of retaliation occur, they should immediately report the incident to the chain of command, the local Inspector General, or the next higher echelon commander.

INSTRUCTOR NOTE: Review actions by the complainant, summarize the lesson, and reinforce learning. Show OT, ACTIONS BY THE COMPLAINANT, Figures 8-5 and 8-5 (CHANGE 1) continued .

ACTIONS BY THE COMPLAINANT

- o Determine Nature of Complaint
- o Identify Specific Facts and Witnesses
- o Consult with EOA/EOR
- o Prepare DA FORM 7279-R
- o Swear to Complaint
- o Ask for Copy of DA FORM 7279-R
- o Concur with Alternative Agency on Referral
- o Inform Chain of Command of Any Additional Facts or New Witnesses
- o Receive Initial Feedback
- o Receive Final Disposition
- o Accept Commander's Decision or Appeal Within Seven Calendar Days
- o Report Acts of Intimidation or Reprisal

Figure 8-5 (CHANGE 1)

- o Poor military courtesy by soldiers.
- o Increased number in AWOLs.
- o Claims of unfairness in promotions.
- o "Cutting in" at dining facility lines with the aid of members of one's own group.
- o Cooks' distribution of food servings varying in size according to in-group, out-group.
- o Increase in incidents of thefts, robberies, and assaults.
- o Interpretation of ethnic separatism as a sign of hostility.
- o Reluctance to discuss group differences in mixed company.
- o Resistance to authority.
- o Failure or unwillingness to use established complaint channels.
- o Unwillingness by leaders to openly acknowledge group differences.
- o Lack of respect for the military police (MPs).
- o Increase in the volume and nature of rumors.
- o Unwillingness to communicate between superior and subordinates.
- o Resentment upon being asked to explain why groups do not associate with each other.
- o Claims of extra duties and details being assigned according to groups.
- o Impatience in understanding some soldiers' difficulties with using the English language.
- o Frequent fights (individual and group) between or among members of different groups.
- o Any off-post incident that arises with inter-group overtones.
- o Poor discipline.
- o Increase in requests for transfer.
- o Complaints of discrimination in administering the Uniform Code of Military Justice (UCMJ).
- o Leaders' avoidance of handling inter-group tension for fear of losing control.

INSTRUCTOR NOTE: Provide the class practical exercise 10 and give the class 5 to 10 minutes to answer the question. Ask different individuals for their answer, then discuss.

PRACTICAL EXERCISE 10

SITUATION: You are the 1SG of Battery A, 1st Bn, 7th Air Defense Artillery. You have been ordered by the company commander to assist her in conducting an EO unit assessment. You have approximately 30 days to complete the assessment before the unit prepares for its next field problem. There have been several rumors circulating about unfair treatment over promotions, awards, and schools. On occasions you have heard several male soldiers making subtle jokes and comments about their female co-workers. In addition you have learned that several soldiers have visited the command's EO office, although no formal complaints have been filed.

QUESTION: What actions should you take to successfully accomplish this assessment?

ANSWER: As a minimum you should conduct a survey to assess perceptions soldiers have about issues within the unit. Review records and reports on favorable and unfavorable actions, make personal observations, and conduct interview sessions with leaders and key personnel. Finally conduct sensing sessions with all unit personnel. Use EOA and EOR assets to compile survey data and analyze statistical information.

APPENDIX B

PRACTICAL EXERCISE HANDOUT

PRACTICAL EXERCISE 3-1

SITUATION: You are the platoon sergeant within a company-size element. Several white soldiers have complained about Puerto Rican soldiers displaying the Puerto Rican national flag in the windows of their privately owned vehicles (POVs). Their perception is that the Puerto Rican soldiers are sending a message that says they love Puerto Rico more than they love the United States of America. The white soldiers request a policy be established to ban displaying of national flags (of any culture) on the military installation.

QUESTION: What are the EO issues and concerns from this scenario? What action, if any, should you take to address concerns of your soldiers?

PRACTICAL EXERCISE 3-2

SITUATION: You are the squad leader in an infantry unit. While walking through your unit area, you overhear two African-American soldiers in your squad refer to one another as "home boys".

QUESTION: How do you feel about the soldiers calling each other "home boy"? Should you take any action? If so, what and why?

APPENDIX B

PRACTICAL EXERCISE HANDOUT

PRACTICAL EXERCISE 4-1

SITUATION: You are a squad leader in HHC, USAG. You supervise six soldiers, 5 men and 1 woman. The woman, SPC Donna Johnson, was assigned to the company about 3 months ago. Until two weeks ago you were very pleased with SPC Johnson's work. She was willing and able to take on additional responsibilities when asked, and seemed to be getting along well with all the men. But now you're thinking you may have misjudged her. Lately her work hasn't been up to par. Her material reports have been incomplete, accountability of her equipment is constantly inaccurate, and lately she has been "riding sick call." When you talked to her about it, she seemed distracted and said she would try to improve.

You've also noticed that one of the other soldiers, SPC Matt Thomas, spends a lot of time with SPC Johnson. You overheard him telling her a dirty joke one day, but she smiled and seemed to find it funny. On another occasion you heard him make a comment about her figure, to her face and in front of the other men. SPC Thomas can sometimes be obnoxious, but everyone likes him and puts up with his bad behavior. SPC Johnson hasn't complained to you, but you feel uneasy about the whole situation.

QUESTIONS:

1. Do you think sexual harassment has occurred in this situation? Why or why not?
2. What is your responsibility as a supervisor? Should you wait for SPC Johnson to complain or speak to you?
3. Do you need more information? What other issues and concerns should you address?
4. What will you do about SPC Johnson's job performance?

PRACTICAL EXERCISE 4-2

SITUATION A: CPT Bob Jack overheard two of his co-workers, CPT Lisa Gray and ILT Adam West, laughing quietly, whispering, and flirting with each other. The next time CPT Jack passed CPT Gray, CPT Jack winked and said, "Hi, sweet thing," and looked her over, all in a joking manner. Captain Gray was angry and offended and told him so.

QUESTION: Did CPT Jack sexually harass CPT Gray?

SITUATION B: When Tom Bennet, a civilian supervisor of military personnel, gets his work group together for their monthly planning session, he always has SSG Carol Jackson to take notes and make coffee. His work group consists of three administrative assistants--SSG Jackson, SSG Kelvin Bridges, and SSG Reginald Gibson.

QUESTION: Is Tom sexually harassing SSG Jackson?

APPENDIX B

PRACTICAL EXERCISE HANDOUT

PRACTICAL EXERCISE 4-2 continued

SITUATION C: Throughout the day, MSG York has to drop by the job site to oversee the work of his crew which is made up of three women and eight men. When he passes SFC Monica Thomas or SSG Pamela Hey he occasionally pats one of them or gives them a "little pinch" or a hug. He has never said anything really sexual to either of them, and they've never objected to his occasional touches.

QUESTION: Is MSG York harassing the women?

SITUATION D: MAJ Chong really likes his subordinates, and he makes it a point to treat everyone the same. He especially likes to joke and tease in what he feels is a good-natured way. He makes comments like, "How's your love life?" and "Don't do anything I wouldn't do" but MAJ Chong would never be lewd or offensive. None of his subordinates has ever objected, and sometimes they laugh.

QUESTION: Is this sexual harassment?

SITUATION E: Last night MSG Donald Reese went to a business dinner meeting arranged by his boss, CPT Sandra Issacs. He expected the whole office staff to be there, but it was just the two of them. The restaurant was dimly lit, with a very romantic atmosphere. After a few drinks MSG Reese realized that the only business to be discussed was CPT Isaacs' attraction to him. Just before suggesting that they go to her house for a nightcap, she mentioned MSG Reese's upcoming Non-commissioned Officers Evaluation Report (NCOER).

QUESTION: Is CPT Isaacs sexually harassing MSG Reese?

SITUATION F: SGT Martha White is very attracted to her supervisor, SFC Dan Black. Since they're both single, she asked him over for dinner one Friday evening. After a very pleasant evening and a few too many drinks, they ended up spending the night together.

QUESTION: Is this sexual harassment?

APPENDIX B

PRACTICAL EXERCISE HANDOUT

PRACTICAL EXERCISE 5-1

SITUATION: Specialist Gutierrez and PFC Torres were talking about the forthcoming Hispanic Heritage Month observance. Their conversation was in Spanish. Sergeant first class Stevens came up and told them to stop speaking Spanish.

QUESTION: This is an example of which of the following?

- (A) Prejudice and discrimination.
- (B) Prejudice, but not discrimination.
- (C) Discrimination, but not prejudice.
- (D) Neither prejudice nor discrimination.

PRACTICAL EXERCISE 5-2

SITUATION: You are a unit commander. Recently two female soldiers were assigned to your unit. Both women are wheeled vehicle mechanics. When they arrived, the unit was short two clerks. The unit had two men from the motor pool who were filling in until new clerk-typists arrived. Both men hold a secondary MOS of clerk-typist.

While inprocessing the women, you find out that they can both type 60 words per minute. Neither woman holds either a primary or secondary MOS as a clerk-typist. However, you decide to send the two men back to the motor pool and give the typist jobs to the women. You feel that the women would be happier in an office environment, and their typing skills justify your decision.

QUESTION: This is an example of which of the following?

- (A) Proper use without discrimination.
- (B) Improper use without discrimination.
- (C) Discrimination, but proper use.
- (D) Discrimination and improper use.

PRACTICAL EXERCISE 5-3

SITUATION: You are a company commander. The first sergeant provided facts showing that the 2d Platoon's platoon leader and platoon sergeant are using discriminatory practices concerning award and promotion recommendations.

QUESTION: What is the appropriate action to take given this information?

APPENDIX B

PRACTICAL EXERCISE HANDOUT

PRACTICAL EXERCISE 7-1

SITUATION: Private Ann Medis hates her unit's physical fitness training. She does not hate exercising or physical athletics. She is tired of remarks by men in the unit, such as "can you make those moves for me, Baby?" or "I know how we can sweat together". When she went to the squad leader and complained, he stated that she wasn't cut out for the Army and was being over sensitive. He said, "the men were just joking - don't take it personally."

QUESTION: Are any leadership actions required? If so, what?

PRACTICAL EXERCISE 7-2

SITUATION: Corporal Jones is the squad leader in the 1st Platoon. During a recent company party, several members of his organization were clustered around the day room swapping war stories and telling jokes. He notices several members of his squad huddled near the pool table. As he approaches the group, he notices that they are passing around a piece of mimeographed paper. Upon joining their conversation, he is handed the paper which contains derogatory ethnic cartoons. Although Corporal Jones is surprised and a little upset about the paper being passed around, he laughs and pretends to go along with the caricatures. The next day he talks to the platoon sergeant about what happened. She informs him that she has already received several complaints about the incident, but she couldn't do anything about it because she could not determine who initiated the paper.

QUESTION: What EO responsibilities, if any, are required of the individual soldiers, squad leader, platoon sergeant, and chain of command?

APPENDIX B

PRACTICAL EXERCISE HANDOUT

PRACTICAL EXERCISE 10

SITUATION: You are the 1SG of Battery A, 1st Bn, 7th Air Defense Artillery. You have been ordered by the company commander to assist her in conducting an EO unit assessment. You have approximately 30 days to complete the assessment before the unit prepares for its next field problem. There have been several rumors circulating about fair treatment over promotions, awards and schools. On occasions you have heard several male soldiers making subtle jokes and comments about their female co-workers. In addition you have learned that several soldiers have visited the command's EO office, although no formal complaints have been filed.

QUESTION: What actions should you take to successfully accomplish this assessment?

Unit Commander's EO Responsibilities

Develop and Implement EO Programs

Identify and Correct Discriminatory Practices

Promote EO and Interpersonal Harmony

Conduct EO Training on a Continuing Basis

Monitor/Assess the Execution of EO Complaints

Ensure Prompt Resolution of EO Complaints

Post Clear Policy Statements

Provide Feedback to Complainant

Figure 2-1 (CHANGE 1)

Categories of Sexual Harassment

"Quid Pro Quo"

Hostile Environment

Related Elements of Sexual Harassment

Impact vs Intent

Reasonable Person and Reasonable Woman Standards

Figure 4-1 (CHANGE 1)

Sexual Harassment Behavior

Verbal Comments

Nonverbal Gestures

Printed Material

Physical Contact

Figure 4-2 (CHANGE 1)

Victim Impact

Interferes with Work Performance

Creates Hostile Environment

Promotes Negative Stress

Creates Fear and Anxiety

Figure 4-3 (CHANGE 1)

Sexual Harassment Checklist

Is the behavior inappropriate for the workplace?

Is the behavior sexual in nature or connotation?

Is the conduct unwanted, unwelcome or unsolicited?

Do the elements of power, control or influence exist?

Does the situation indicate a quid pro quo relationship?

Does the behavior create a hostile or offensive environment?

Is the behavior repeated as it relates to gender treatment?

How would a "reasonable person" or "reasonable woman" be affected?

Figure 4-4 (CHANGE 1)

Coping Mechanisms

Denial

Rationalization

Avoidance

Figure 4-5 (CHANGE 1)

Components of Prevention

Total Leadership Commitment

Career-Long Training

Reporting Sexual Harassment

Disciplinary/Administrative Actions

Figure 4-6 (CHANGE 1)

Sexual Harassment Behaviors Subject to Disciplinary Actions

Offense	UCMJ Article
Making sexual comments or gestures	Art 89 disrespect toward superior officer Art 91 insubordinate conduct towards a WO or NCO Art 117 provoking speech and gestures Art 134 indecent language
Offering rewards for sexual behaviors	Art 134 bribery and graft
Making unsolicited or unwelcome sexual contact with intent to gratify lust or sexual desire	Art 134 indecent assault
Threatening the career, job, or salary of a person unless he or she "cooperates"	Art 127 extortion Art 134 communicating a threat
Engaging in or condoning sexual harassment behaviors	Art 92 failure to obey an order or regulation Art 133 conduct unbecoming an officer
Influencing or threatening the career, pay or job of another person in exchange for sexual favors	Art 93 cruelty and maltreatment

Figure 4-7 (CHANGE 1)

Techniques for Prevention

Diary

Talking

Intermediary

Letter

Confronting

Reporting

Figure 4-8 (CHANGE 1)

Equal Opportunity Violations Subject to UCMJ Actions

Offense	Article
Making racial or sexual comments and/or gestures	Art 89 disrespect toward superior officer Art 91 insubordinate conduct towards WO or NCO Art 117 provoking speech or gestures Art 134 indecent language
Offering rewards for favors which constitute an EO violation	Art 134 bribery and graft
Making unsolicited and unwelcome sexual contact	A134 indecent assault
Attempts or offers with unlawful force or violence to do bodily harm to another person because of race, color, religion, national origin, or gender	Art 128 assault
Threatening the career, job or salary or another unless they "cooperate"	Art 127 extortion Art 134 communicating a threat
Engaging in or condoning EO violation	Art 92 failure to obey an order or regulation Art 133 conduct unbecoming an officer
Influencing or threatening the career, pay or job of another person in exchange for sexual favors	Art 93 cruelty and maltreatment
Making false statements	Art 107 false official statement

Figure 6-1 (CHANGE 1)

EO Enforcement Techniques for Leaders

Lead by example

On-the-Spot Correction (informal counseling)

Formal Counseling (written)

Nonjudicial Punishment (Article 15, and memorandum of reprimand, etc.)

Use of OER and NCOER

Judicial Punishment (court-martial)

Bar to Reenlistment

Separation Action

Figure 7-3 (CHANGE 1)

Types of Complaints

Formal

Informal

Figure 8-1 (CHANGE 1)

Complaints Against a Member of the Chain of Command/Use of Alternative Agencies

Equal Opportunity Advisor

Chaplain

Provost Marshal Office

Staff Judge Advocate

Human Relations Office

Inspector General

Adjutant General

Figure 8-2 (CHANGE 1)

Entering the Complaint Process

Determine Nature of Allegations

Prepare DA Form 7279-R

Determine Appropriate Agency

Swear to Complaint

Consult with EOR or EOA

Figure 8-3 (CHANGE 1)

Equal Opportunity Complaint Process

Inquiry or Investigation

Feedback to Complainant

Right to Appeal

Protection Against Reprisal or Intimidation

Figure 8-4 (CHANGE 1)

Actions by the Complainant

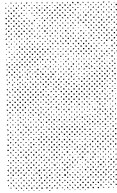
Determine Nature of Complaint
Identify Specific Facts and Witnesses
Consult with EOA/EOR
Prepare DA FORM 7279-R
Swear to Complaint
Ask for Copy of DA FORM 7279-R
Concur with Alternative Agency on Referral
Inform Chain of Command of any Additional Facts or New Witnesses
Receive Initial Feedback
Receive Final Disposition
Accept Commander's Decision or Appeal Within Seven Calendar Days
Report Acts of Intimidation or Reprisal

Figure 8-5 (CHANGE 1)

CONTENTS

	PAGE
INTRODUCTION.....	Introduction-1
LESSON PLAN 1 The Army's Equal Opportunity Program.....	1-1
LESSON PLAN 2 Duties and Responsibilities of Equal Opportunity Leaders.....	2-1
LESSON PLAN 3 Cultural Issues Related to Equal Opportunity.....	3-1
LESSON PLAN 4 Prevention of Sexual Harassment.....	4-1
LESSON PLAN 5 Discrimination.....	5-1
LESSON PLAN 6 Uniform Code of Military Justice Implications of the Equal Opportunity Program.....	6-1
LESSON PLAN 7 Enforcement of Equal Opportunity Policies.....	7-1
LESSON PLAN 8 Implementation of the Equal Opportunity Program.....	8-1
LESSON PLAN 9 Leadership Issues Related to Cultural Diversity.....	9-1
LESSON PLAN 10 Techniques for Equal Opportunity Assessment.....	10-1
LESSON PLAN 11 Equal Opportunity Action Plan.....	11-1
LESSON PLAN 12 The Affirmative Action Plan.....	12-1
LESSON PLAN 13 Techniques for Equal Opportunity Training.....	13-1
LESSON PLAN 14 Identification of Current Army Equal Opportunity Issues.....	14-1
LESSON PLAN 15 Techniques to Champion the Equal Opportunity Program.....	15-1
APPENDIX A Masters for Overhead Transparencies.....	A-1
APPENDIX B Practical Exercise Handouts.....	B-1
GLOSSARY.....	Glossary-1
REFERENCES.....	References-1

* This pamphlet supersedes DA Pam 350-20 1 January 1985.



Introduction

This country was founded on the basic values of freedom, dignity, respect, and opportunity for all. In an ongoing struggle to ensure that these rights are enjoyed by all citizens, we must continue to educate ourselves and our soldiers on the importance of equal opportunity (EO). Through this education we can better appreciate the cultural diversity that has helped make this country great. Through education we can create an environment in which soldiers can excel.

Equal opportunity and treatment are given to all soldiers, their families, and Department of the Army (DA) civilians. This is done without regard to race, color, gender, religion, or national origin. To uphold this policy, the chain of command has a continuing challenge; it must provide a command climate that fosters attitudes and behavior about equal opportunity which lead to cohesion and mission accomplishment.

Values, attitudes, and prejudices gained before enlistment or commissioning do not automatically dissolve or change when someone puts on an Army uniform. Too often these values, attitudes, and prejudices can lead to the misunderstanding, frustration and suspicion of others. Knowing and accepting this will help you to understand the impact of EO training on command climate.

A positive, proactive EO environment helps units' effectiveness. It promotes morale, teamwork, and results in a high degree of unit cohesion and esprit de corps. People perform most efficiently in an atmosphere free of intergroup friction and discord. Therefore, a healthy EO environment is a key factor in developing and maintaining unit readiness.

PURPOSE OF THIS PAMPHLET

This pamphlet provides lesson plans for conducting unit EO training as specified in Chapter 6, AR 600-20. These lesson plans are for use in officer and NCO professional development sessions.

Each plan offers important information which gives soldiers and DA civilians the knowledge to improve unit harmony, effectiveness, and mission accomplishment. The key to successful training with these EO lesson plans is the same as with any other program: command support and participation.

LESSON PLAN STRUCTURE

Although numbered sequentially, each lesson plan is independent of the others in this publication. To maintain this independence, repetition of subject matter among the lesson plans exists. Lesson plans containing additional or more completely developed explanations of a concept or topic being discussed will be referenced in an instructor note.

Administrative data are listed at the start of each plan, and practical exercises are present where applicable. Also, acronyms and abbreviations are defined in each lesson plan.

LESSON PLAN USE

These lesson plans have been designed to provide comprehensive topical information about equal opportunity. Decide what information your soldiers and DA civilians need, and choose the lesson plans that contain that information. Use them in total, expand them, tailor them, or sequence them based upon your needs.

INSTRUCTIONAL TECHNIQUES

The following are recommended teaching techniques to use with these lesson plans:

- Use this material in small group sessions limited to no more than 20 to 25 people. Small group discussion is highly desirable; it encourages the sharing of ideas and derives maximum benefits from the experiences of each group member. Larger groups placed in auditorium-type settings restrict interpersonal communication.
- Unit commanders should be involved in this vital training. At a minimum, they should make opening comments.
- The unit chain of command should lead and take part in all discussions.

APPLICABILITY

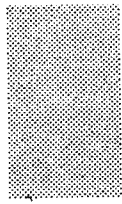
The contents of this pamphlet apply to all members of the US Army, DAC workforce, US Army Reserve, and the Army National Guard.

EO TRAINING MATERIAL

Various training support packages (TSPs) on equal opportunity are available for use in the TRADOC service schools and NCO academies. These TSPs contain much of the same material as found in this pamphlet.

Training Circular 26-6, Commander's Equal Opportunity Handbook, serves as a "tool-kit" for the commander in implementing Army EO policy.

The proponent of this publication is the Adjutant General School. Send comments and recommendations on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commandant, Adjutant General School (ATZI-AGP-P) Bldg 401-C, 8899 East 56th Street, Indianapolis, IN 46216-5530.



The Army's Equal Opportunity Program

TASK: Describe the Army's Equal Opportunity (EO) Program.

CONDITIONS: In a classroom environment.

STANDARDS: Correctly describe the components of the Army's EO Program.

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 20 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic marker.

TOPICS COVERED: This lesson plan gives a brief overview of the parts of the Army's EO Program. The topics covered are the concept of EO, its history, policy, staffing, and complaint procedures. Sexual harassment is also discussed. Each of these topics is examined in more detail in following lesson plans.

INSTRUCTOR NOTE: Ask the group the following question: "Why does the Army have an EO Program?" After several responses, *paraphrase* the following:

HISTORY

During the 1960's a committee known as the Kerner Commission was appointed to study racial unrest. It concluded that racism was the cause of serious problems nationally and on military installations and ships. The Department of Defense (DOD) then conducted a two-year study which reinforced the Kerner Commission's findings; racism was the problem.

The recommendations from the DOD study committee were used to start the military's Race Relations/Racial

Awareness program. This was the forerunner of the current EO Program.

POLICY

INSTRUCTOR NOTE: Briefly discuss the Army's EO policy. Show OT 1-1, **THE ARMY'S EO POLICY**.

The policy of the US Army is to provide equal opportunity and treatment for all soldiers and their families, both on and off post, and for and Department of the Army Civilians (DACs). The process of affirmative action applies here. Affirmative actions are positive actions taken by DA activities to ensure that EO occurs.

The concept of equal opportunity is based solely on merit, fitness, capability, and potential. It is given without regard to race, color, religion, gender, or national origin.

SEXUAL HARASSMENT

Sexual harassment conflicts with the EO Program because it is a form of sex discrimination. It involves unwelcome sexual advances, requests for sexual favors, and other kinds of verbal or physical conduct of a sexual nature.

Sexual harassment is not limited to the workplace. It can occur almost anywhere, and it violates acceptable standards of character and fairness required of all soldiers. It also harms mission accomplishment and unit cohesion. Such behavior by soldiers or Army civilians *will not be tolerated*.

STAFFING

INSTRUCTOR NOTE: Briefly discuss the Army's staffing responsibilities. Show OT 1-2, **STAFFING FOR THE ARMY'S EO PROGRAM**.

The EO program is designed to contribute to mission accomplishment, cohesion, and readiness. Therefore, it is a responsibility of leadership and a function of command.

Commanders are the EO officers for their military units. They are helped by brigade-level EO advisers, unit-level EO representatives, and other EO advisers.

Staff military personnel with EO as a primary duty are called Equal Opportunity Advisers (EOAs). They are assigned to help commanders at all levels. Soldiers chosen

THE ARMY'S EQUAL OPPORTUNITY POLICY

- Equal treatment for soldiers and family members
- Applies both on and off post
- Applies to total environment (living and working)
- Provides an environment free of sexual harassment

Figure 1-1

STAFFING FOR ARMY'S EO PROGRAM

- Commanders
- Equal Opportunity Advisers (EOAs)
- Equal Opportunity Representatives (EORs)

Figure 1-2

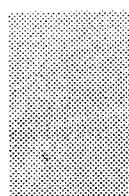
to perform EOA duties attend a 16-week course at the Defense Equal Opportunity Management Institute.

At the unit level, Equal Opportunity Representatives (EORs) help and advise unit commanders on the equal opportunity program. Soldiers selected to perform EOR duties attend a local 2-week course conducted by EOAs.

COMPLAINT PROCEDURES

Soldiers filing complaints will follow command channels to make their grievances known. Commanders must ensure that soldiers are fully aware of procedures for obtaining redress of grievances. This includes complaints against members of the chain of command. These procedures must be published and displayed where all unit soldiers can see them.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.



Duties and Responsibilities of Equal Opportunity Leaders

TASK: Identify Equal Opportunity (EO) leadership's duties and responsibilities.

CONDITIONS: In a classroom environment.

STANDARDS: Identify EO leadership's duties and responsibilities.

TARGET AUDIENCE: Soldiers of squad leader level and above.

RECOMMENDED INSTRUCTION TIME: 20 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic marker.

TOPICS COVERED: The duties and responsibilities of the commander, first sergeant, EOA, and EOR in managing the EO Program.

UNIT COMMANDER'S RESPONSIBILITIES

- Develop and implement EO programs.
- Identify discriminatory practices affecting soldiers and their families and start corrective actions, to include follow-up.
- Promote EO and interpersonal harmony for all soldiers and their family members.
- Conduct EO training on a continuing basis.
- Monitor and assess how well EO programs are run.
- Ensure prompt follow-up and appropriate action to resolve complaints of discrimination and sexual harassment.

UNIT COMMANDER

Commanders are the EO officers for their units. They are helped by the unit's chain of command, the Equal Opportunity Representative (EOR), and the Equal Opportunity Adviser (EOA). These people have invaluable training and experience and can advise you on EO matters. Commanders have the following responsibilities:

INSTRUCTOR NOTE: Show OT 2-1, UNIT COMMANDER'S RESPONSIBILITIES.

Figure 2-1

CHAIN OF COMMAND

The unit commander is responsible for carrying out the EO program at unit level per AR 600-20. To help with this task, other members of the chain of command have the following roles and responsibilities:

INSTRUCTOR NOTE: Show OT 2-2, CHAIN OF COMMAND'S ROLES AND RESPONSIBILITIES.

FIRST SERGEANT

In addition to being the eyes and ears of the commander, the first sergeant has the following EO duties and responsibilities:

- Ensure that all unit soldiers get EO training. (Members of the chain of command or supervisors lead EO sessions or are present to answer questions).
- Ensure that EO policies are publicized and enforced.
- Actively seek to identify discriminatory practices early on, and start actions to remove the contributing factors.
- Counsel subordinates on EO roles and responsibilities.
- Ensure that unit personnel are aware of complaint processing procedures.
- Advise the EOR on duties and responsibilities of EO training and complaint processing.
- Assist other agencies that can help in resolving complaints (for example, Housing, IG, etc.)
- Ensure that complaints are quickly processed per AR 600-20 when allegations of discrimination or sexual harassment are made.
- Help the EOA as required.
- Ensure that effective EO training is conducted.
- Be a positive role model in EO matters.

The EO duties of platoon, squad, and team- or section-level leaders are like those of the first sergeant, but with a narrower scope.

CHAIN OF COMMAND'S ROLES AND RESPONSIBILITIES

First Sergeant
Platoon Sergeant
Squad Leader
Section/Team Leader
Equal Opportunity Representative (EOR)
Equal Opportunity Advisor (EOA)

Figure 2-2

EQUAL OPPORTUNITY REPRESENTATIVE

EQUAL OPPORTUNITY REPRESENTATIVE

Equal Opportunity Representatives are Unit Soldiers trained to help commanders carry out the equal opportunity program within units.

INSTRUCTOR NOTE: Ask the following questions: "Have any of you ever worked with an Equal Opportunity Representative (EOR)?" Do you know what an EOR does?" After several responses, show OT 2-3, **EQUAL OPPORTUNITY REPRESENTATIVE**.

Figure 2-3

Unit EORs help commanders of units at battalion level and below. This is an additional duty. See your local command policy for EOR selection criteria. The EOR has the following responsibilities:

- Help the commander and first sergeant (1SG) prepare and conduct EO training.
- Establish and maintain liaison between units and their EOAs.
- Help prepare and conduct ethnic observances.
- Recognize and assess indicators of the EO climate, and advise commanders on suitable actions.
- Refer soldiers with complaints to the appropriate agency for help. (If the complaint involves the commander, the EOR refers it to the EOA and informs the commander.)

EQUAL OPPORTUNITY ADVISER

The functions of the EOR and EOA are similar, but the EOA's scope is much broader. They are assigned to help commanders at installations, agencies, and organizations down to brigade level. Being an EOA is a full-time duty with the following specific duties and responsibilities:

- Issue Department of Defense and Department of the Army EO policies.
- Recognize and assess indicators of institutional and individual discrimination.
- Recognize overt and subtle sexual harassment.
- Recommend appropriate action to stop discrimination and sexual harassment.
- Collect, organize, and interpret demographic data on all aspects of EO climate.
- Help commanders develop realistic affirmative action plans, and monitor their progress.
- Train EORs.
- Develop and present EO training.
- Receive and act upon individual complaints.

- Plan and conduct ethnic observances.
- Help develop unit EO policies.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.



Cultural Issues Related to Equal Opportunity

TASK: Identify cultural issues related to Equal Opportunity (EO).

CONDITIONS: In a classroom environment.

STANDARDS: Recognition of cultural issues related to EO.

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 20 minutes including practical exercises (PEs).

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Chalkboard and chalk or butcher paper and magic markers.

TOPIC COVERED: Racial and cultural differences.

The military is probably the most culturally and racially diverse organization in the country. New soldiers meet and mix with people they view as "different." Often for the first time, they have to adapt to differences in behaviors, speech, dress, etc. The result of this can be culture shock.

Resistance to making adjustments to diversity can create problems not only for soldiers, but also for its leaders. It is therefore essential that all soldiers gain an understanding of cultural differences and relationships.

INSTRUCTOR NOTE: Distribute the handouts for PEs 3-1 and 3-2. Divide the class into at least four equal groups, and give them 5 to 10 minutes to complete the PEs. Have a spokesperson from each group offer possible answers for each exercise to the class.

SITUATION: You are the commander of a company-sized element. Several soldiers have complained about other soldiers displaying the Confederate flag in the windows of their privately owned vehicles. They feel that these soldiers are sending the message that they support racial segregation and the old South's view of two Americas. The complaining soldiers requested a new policy banning the display of heritage flags of any culture on the military installation.

PRACTICAL EXERCISE 3-1

QUESTION: What action or actions should you take?

ANSWER: If you have not held EO training on cultural factors and unit cohesion, do so immediately using the resources of your EOR or EOA.

The flag is a cultural, regional, and historical symbol. Just as the flag of your home state or territory has special meaning to you, so do the flags of other states, territories, or regions (the South in this case) have special meaning to their citizens.

People from many geographical areas and ethnic groups make up the Army. They display pride in their respective cultures in many ways. Once we understand and respect these cultures, the less likely misunderstandings will occur.

SITUATION: While walking through your unit area, you overhear an African-American soldier refer to another African-American soldier as "Homy."

PRACTICAL EXERCISE 3-2

QUESTION: What do you think of the term "Homy" in this context?

ANSWER: You should be pleased. The term is used in a cultural context and expresses a feeling of brotherhood and unity. It is short for "home boy" meaning someone from the speaker's local area.

Unfortunately, slang expressions like this may be misunderstood when heard by persons outside of a cultural circle. It is therefore important for everyone, especially leaders, to stay current with such terms and have an awareness of cultural differences..

SYMBOLISM DEFINED

Symbols are acts, sounds, or objects which direct attention to something that is considered important.

Symbols are acts, sounds, or objects which are not important in themselves, but which direct attention to something that is considered important. Most groups use symbols to show belonging and membership. Just as social organizations, religions, businesses, and political parties have their own sets of symbols, so do various ethnic groups.

To understand group symbology or cultural symbolism, you must be aware of the self-concepts which have evolved within racially and culturally different groups. These concepts have often developed as a reaction to isolation from and rejection by the power establishment.

They are expressed through a strong identity and solidarity. There comes with this an increase in personal pride and in public identity.

The following are examples of group symbology:

GESTURES

Certain physical gestures or "body language" may be used by ethnic groups to show pride or solidarity.

The symbols used by different cultural groups are often viewed by others as a lack of professionalism, display of resentment, or outward hostility rather than as gestures of unity and cultural expression. (Example: ritual handshake)

CLOTHING

On special occasions many ethnic groups express a pride in their culture by wearing clothing that symbolizes their heritage. (Examples: Irish-Americans wearing green articles on Saint Patrick's Day and German-Americans putting on lederhosen (leather trousers) for German festivals.)

LANGUAGE

Certain verbal expressions may also be considered as symbols. Most of these express feelings of brotherhood or unity. (Example: The greeting, "What's up bro'?")

CULTURAL SYMBOLISM

A cultural symbol is an item or way of behaving which carries a special meaning for an ethnic or racial group. For soldiers and leaders, knowing about cultural symbols and their importance to individuals and group identity is very

important. It is vital to creating and maintaining effective human relations. This leads to unit cohesion. Some examples of cultural symbols are pinatas, flags, special handshakes, and inscriptions on hats and shirts. These symbols help develop a healthy morale and esprit-de-corps among soldiers, but they need to be understood to be effective.

PROFESSIONAL SYMBOLISM

The military uniform in itself is a professional symbol. It stands for the Army and all of its fine traditions: the ribbons denote acts of heroism and service; the unit crest expresses the heritage and traditions of the unit; and the insignia indicates rank and status within the military structure.

INSTRUCTOR NOTE: Paraphrase the following: Leaders and soldiers at all levels need to accept cultural differences. A leader's awareness of these differences can have a positive impact on mission accomplishment. The more a leader knows about the ethnic cultures of the soldiers assigned to his or her unit, the better are the chances for developing and maintaining unit cohesion and readiness. This is a goal of the Army's EO program.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.



Prevention of Sexual Harassment

TASK: Identify situations of sexual harassment and recommend appropriate corrective action.

CONDITIONS: In a classroom environment.

STANDARDS: Correctly identify situations of sexual harassment and recommend appropriate corrective action.

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 60 minutes including practical exercises (PEs).

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers, PE 4-2 handout.

TOPICS COVERED: The Army's sexual harassment policy and forms of sexual harassment. There are people from many career backgrounds who have kept embarrassing situations to themselves. Wanting to move ahead, or not wanting to cause problems or scenes, victims of sexual harassment have kept quiet.

Recently, the controversial subject of sexual harassment has been brought to many peoples attention with the 1991 Clarence Thomas-Anita Hill hearings and the Navy's Tailhook Convention incident also in 1991. These two incidents may prove to have positive impacts in the long run. Because of these incidents, more people are openly discussing situations that they faced even 10 to 15 years ago.

Sexual harassment is not limited to the workplace. It can occur almost anyplace. This behavior always violates acceptable standards of character and fairness required of all soldiers. It also harms unit bonding and mission accomplishment. For these reasons such behavior will not be tolerated.

The sooner we realize that sexual harassment affects us all and that we all must play a part in solving this problem, the sooner we will be rid of it. Overlooking, ignoring, or failing to take action on inappropriate sexual activity cannot be allowed nor can the display of sexually suggestive coffee cups, ashtrays, figurines, calendars, birthday cakes, cartoons and the like be sanctioned.

SEXUAL HARASSMENT

Army policy states that sexual harassment is a form of sex discrimination. It involves unwelcome sexual advances, requests for sexual favors, and other types of sex-based verbal, nonverbal, or physical conduct.

Sexual harassment occurs when the following actions take place:

- A person makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature.
- A person uses or condones implicit or explicit sexual behavior to control, influence or affect the career, pay, or job of another person.
- Sexual advances interfere with a person's performance or creates an intimidating, hostile, or offensive environment.

FORMS OF SEXUAL HARASSMENT

Sexual harassment comes in various forms. But in any form it is inappropriate and adversely affects unit readiness. Here are the different forms:

INSTRUCTOR NOTE: Show OT 4-1, FORMS OF SEXUAL HARASSMENT.

Forms of Sexual Harassment

- Verbal abuse
- Nonverbal abuse
- Physical contact

VERBAL ABUSE

Examples of verbal abuse are profanity, direct sexual comments, jokes with sexual connotations, cadence calls with sexual overtones, threats, and barking, growling, oinking, and whistling at passersby to show a reaction to their physical appearance. Another kind of verbal abuse is using intimate terms such as "honey, baby, or dear" to refer to co-workers.

Figure 4-1

NONVERBAL ABUSE

Examples of nonverbal abuse are leering, ogling (giving the person the "once over"), blowing kisses, licking lips, winking, and displaying sexist cartoons and pictures. Other examples are men lowering their pants to tuck in their shirts in the presence of women and women demonstratively adjusting their clothing in the presence of men.

PHYSICAL CONTACT

Examples of physical contact are touching, patting, hugging, pinching, grabbing, cornering, and kissing. Others are playing footsie-kneesie, blocking a passageway, unsolicited back and neck rubs and clothing adjustments.

EQUAL OPPORTUNITY PROGRAM COMPONENTS

Leaders are responsible for identifying and confronting personnel who use inappropriate, sexually oriented behavior that may be perceived as harassment. Those who successfully stop or prevent sexual harassment in the workplace have complete programs in place that support the Army's EO Program. Such programs would have these features:

EQUAL OPPORTUNITY PROGRAM COMPONENTS

- Training for all personnel
- Active Command Support
- Active Component Support
- A posted policy statement
- Procedures for getting and handling complaints
- Procedures for follow through on complaints

Figure 4-2

INSTRUCTOR NOTE: Show OT 4-2, EO PROGRAM COMPONENTS.

TRAINING FOR ALL PERSONNEL

A vigorous training program is an effective tool in preventing sexual harassment. The training should be focused on explaining what sexual harassment is and is not. It must also stress the appropriate action needed to stop inappropriate sexual behavior.

ACTIVE COMMAND SUPPORT

It is essential that all training be command-sponsored and actively command-supported.

If your chain of command takes a negative attitude about the problem--refusing to acknowledge it, overlooking it, or

making sexual harassment seem trivial--then this attitude will actually contribute to increasing sexual harassment problems.

The attitude taken and displayed by the chain of command must be this: sexual harassment violates the UCMJ and is a serious problem that interferes with unit cohesion, productivity, and mission accomplishment.

ACTIVE COMPONENT SUPPORT

Coordination among the EO office, Staff Judge Advocate, chaplain, inspector general's office, and command is essential for a successful training program.

POSTED POLICY STATEMENT

A written, posted policy that explicitly addresses sexual harassment is critical to and reinforces the chain of command's commitment of not tolerating sexual harassment.

PROCEDURES FOR GETTING AND HANDLING COMPLAINTS

Complaints should be handled quickly and thoroughly. Complaint procedures should be flexible. They should offer soldiers more than one route to complain or get information.

PROCEDURES FOR FOLLOW-THROUGH ON COMPLAINTS

Procedures for following up on complaints must also be in place. Leaders must make sure that all complaints have been resolved in a way that is fair to all parties involved in the situation.

EFFECTS OF SEXUAL HARASSMENT

The effects of sexual harassment on the victim can be devastating. We know that a disease can put the strongest people in the hospital. It can cause them to think more about their upset stomach, sore muscles, or headache than about their job.

Sexual harassment can do the same things. It can severely hinder one's ability to accomplish the mission. Situations like the following show you how this works:

Sexual harassment violates the UCMJ and is a serious problem that interferes with unit cohesion, productivity, and mission accomplishment.

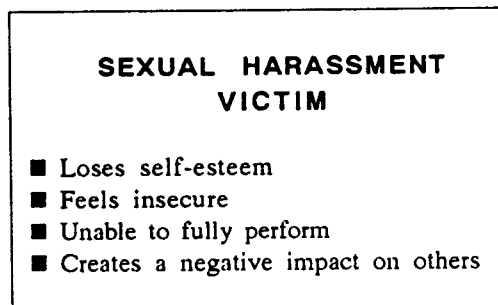


Figure 4-3

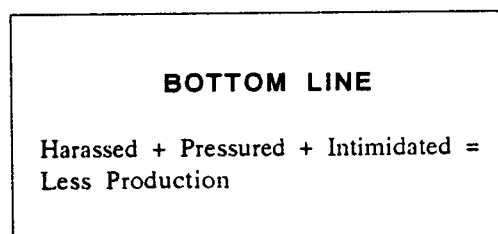


Figure 4-4

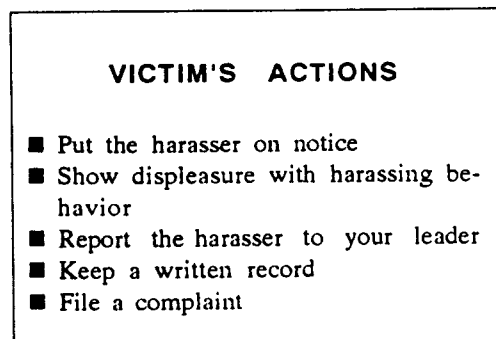


Figure 4-5

- Soldiers will hesitate to come to work each day because their working environment is made stressful by instances of sexual harassment. They will do everything possible to avoid working with other soldiers or civilians because they are harassed. This situation often causes absenteeism and hinders the ability of the unit or office to work as a team.
- Soldiers cannot keep their minds on their work. They are preoccupied with trying to resolve the pain and conflict brought about through sexual harassment. This situation causes decreased job performance and increased mistakes.

INSTRUCTOR NOTE: Show OT 4-3, SEXUAL HARASSMENT VICTIM.

Sexual harassment directly attacks the self-esteem of the victims. It makes them feel insecure. This uneasiness then negatively influences people around them.

INSTRUCTOR NOTE: Show OT 4-4, BOTTOM LINE.

The bottom line is this: anyone who is harassed, pressured, or intimidated will be less productive. You can only reach your full potential in an environment that fosters dignity and mutual respect.

VICTIM'S ACTIONS

As with all diseases, when the symptoms are present, we all rush for the cure. In the case of sexual harassment, the cure starts by confronting the harasser.

INSTRUCTOR NOTE: Show OT 4-5, VICTIM'S ACTIONS.

The first thing the victim should do is put the harasser on notice. Have witnesses observe this action if possible. Be specific. Tell the harasser which particular behavior is not appreciated. Document every incident by listing the names of people involved and of witnesses, and specifying the places, dates, and times that the incidents occurred. Then,

report the harasser to your immediate leader in the chain of command. If possible, try to resolve the situation at the lowest level before submitting a formal written complaint.

INSTRUCTOR NOTE: At this time divide the class into four equal groups. Give them 15 to 20 minutes to work on the next PE. Have a spokesperson from each group answer questions. The purpose of this exercise is to encourage open communication on the subject of sexual harassment.

SITUATION: You are a squad leader in HHC, USAG. You supervise six soldiers, five men and one woman. The woman, SPC Donna Johnson, was assigned to the company about three months ago. Until two weeks ago you were very pleased with SPC Johnson's work. She was willing and able to take on additional duties when asked. She also seemed to be getting along well with all the male soldiers. But now you are beginning to think you may have misjudged her. Lately her work has not been up to standard. Her material reports have been incomplete, accountability of her equipment is constantly inaccurate, and lately she has been "riding sick call." When you talked to her about her work, she seemed distracted and said she would try to improve.

You have also noticed that one of the other soldiers, SPC Matt Thomas, spends a lot of time with SPC Johnson. You overheard him telling her a dirty joke one day, but she smiled and seemed to find it funny. On another occasion you heard him make a comment about her figure. He made the comment to her face and in front of the other male soldiers. SPC Thomas can sometimes be obnoxious, but everyone likes him and puts up with it. SPC Johnson has not complained to you, but you feel uneasy about the whole situation.

QUESTIONS:

1. Do you think sexual harassment has occurred in this situation? Why or why not?
2. What is your responsibility as a supervisor? Should you wait for SPC Johnson to object or speak to you, or should you take action based on what you've seen?
3. Do you need more information? If so, how would you get it?
4. What will you do about SPC Johnson's poor job performance?

PRACTICAL EXERCISE 4-1

ANSWERS:

1. Officially, no. SPC Johnson has not complained about SPC Thomas to you. However, his actions are inappropriate and might be hurting SPC Johnson's work.
2. Take action. Both need to be counseled.
3. No. Your observations are enough to take action.
4. Officially counsel her about her work performance to determine why it declined.

INSTRUCTOR NOTE: Give the the following situations as a handout. Let the students discuss scenarios among themselves for 15 to 20 minutes to decide whether or not they depict cases of sexual harassment. These questions are meant to get students thinking about some aspects of sexual harassment that they might not have considered before. The purpose of the exercise is to gain insight and understanding into the problem of sexual harassment.

PRACTICAL EXERCISE 4-2

SITUATION A: Captain Bob Jack overheard two of his co-workers, CPT Lisa Gray and 1LT Adam West, laughing quietly, whispering, and flirting with each other. The next time he passed CPT Gray, CPT Jack winked and said, "Hi, sweet thing," and looked her over, all in a joking manner. Captain Gray was angry and offended and told him so. Did CPT Jack harass CPT Gray?

SITUATION B: When Tom, a civilian supervisor of military personnel, gets his work group together for their monthly planning session, he always has SSG Carol Jackson take notes and make coffee. His work group consists of three administrative assistants--SSG Jackson, SSG Kelvin Bridges, and SSG Reginald Gibson. The three have identical job descriptions. Is Tom sexually harassing Carol?

SITUATION C: Throughout the day, MSG York has to drop by the job site to oversee the work of his crew which is made up of three women and eight men. When he passes SFC Monica Thomas or SSG Pamela Hey he occasionally pats one of them or gives them a "little pinch" or a hug. He has never said anything really sexual to either of them, and they've never objected to his occasional touches. Is he harassing the women?

SITUATION D: Major Chong really likes his subordinates, and he makes a point of treating everyone the same. He especially likes to joke and tease in what he feels is a good-natured way. He makes comments like "How's your love life?" and "Don't get any on ya," but MAJ Chong would never be lewd or offensive. None of his subordinates has ever objected, and sometimes they laugh. Is this sexual harassment?

SITUATION E: Last night MSG Donald Reese went to a dinner business meeting arranged by his boss, CPT Sandra Issacs. He expected the whole office staff to be there, but it was just the two of them, and the restaurant was dimly lit, with a very romantic atmosphere. After a few drinks MSG Reese realized that the only business to be discussed was CPT Issacs' attraction to him. Just before suggesting that they go to her house for a nightcap, she mentioned MSG Reese's upcoming noncommissioned officers evaluation report (NCOER). Is she sexually harassing MSG Reese?

SITUATION F: Captain Martha White is very attracted to her boss, LTC Dan Black. Since they are both single, she asked him over for dinner one Friday evening. After a very pleasant evening and a few too many drinks, they ended up spending the night together. Could this be considered sexual harassment?

ANSWERS TO SITUATIONS A THROUGH F

A. Yes. Captain Jack should not repeat the behavior in any form since CPT Gray has told him that she is offended by it.

B. No. Though this could be considered gender harassment, Tom is harassing her by repeatedly asking her to make coffee because she is a woman. It is better to view this example in terms of a discriminatory job assignment--unless there is a legitimate reason for her always to be selected for coffee making. The claim that she likes to handle the refreshments, that she has not complained, or that she makes better coffee is not a sound reason to engage in what appears to be stereotyping.

C. Based on the limited information given in this example, yes. Master Sergeant York's behavior is physical and looks suspiciously sexual ("little pinches"--where?!) The pinches are directed only at two of the women--but

only at women, not at men. This is a repeated action done by supervisor. The fact that the women have not spoken up does not carry much weight. Remember, the more severe the behavior, the less responsibility the receiver has to speak up. MSG York is supposed to know better than to do this in the first place.

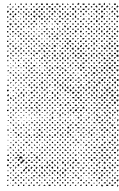
D. Yes. Major Chong is a supervisor engaging in this behavior with his subordinates, male and female. However, the statement that "sometimes they laugh" may indicate that sometimes they do not laugh because they do not like it. He is harassing both men and women though unintentionally. Major Chong needs to be told that this is inappropriate behavior.

E. Yes, CPT Issacs has made it clear that there is a connection between MSG Reese's response to her invitation and his upcoming NCOER.

This is an example of quid pro quo (something for something) harassment, and whether MSG Reese likes or appreciates CPT Issacs' offer makes no difference.

F. No, but it is clearly inappropriate. Supervisors and their subordinates' getting involved romantically is not a good idea. Also this may be a case of fraternization.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.



Discrimination

TASK: Identify situations of discrimination and recommend appropriate corrective action.

CONDITIONS: In a classroom environment.

STANDARDS: Correctly identify situations of discrimination and recommend appropriate corrective action.

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 60 minutes including practical exercises (PEs).

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.

TOPIC COVERED: Definitions of discrimination.

When we speak of discrimination in terms of equal opportunity (EO), we are not talking about a person's ability to recognize the differences between things. For example, it does not refer to your ability to discriminate (or distinguish) between good and bad workmanship. That is a matter of good judgment. You have every right to do it. The type of discrimination that the Army will not tolerate is based on prejudice. This kind of treatment is punishable under the Uniform Code of Military Justice (UCMJ).

DISCRIMINATION DEFINED

Here is a basic definition of discrimination:

INSTRUCTOR NOTE: Show OT 5-1, DISCRIMINATION.

In other words, discrimination is inflicted by one person or group on another person or group by giving unequal treatment. Unequal actions, practices, and policies are founded on prejudice and deprive the recipients of EO. Prejudicial actions are based on a variety of factors including these.

INSTRUCTOR NOTE: Show OT 5-2, FACTORS IN DISCRIMINATION.

As you can see, none of these factors has anything to do with someone's individual merit or personal achievements.

Discrimination can be sub-categorized as individual, small group, and institutional, but these divisions all have a common element: actions or practices which have a deferential and harmful impact. They all violate current organizational and social norms and deprive people of EO.

Leaders must recognize and eliminate practices of discrimination whenever possible. In order to follow the Army's EO policy, commanders must monitor recommendations for promotions, awards, punitive and non-punitive actions, and other areas to ensure they are based solely on merit, fitness, and capability potential.

INSTRUCTOR NOTE: Distribute the handouts for PEs 5-1, 5-2, and 5-3. Give the class 5 to 10 minutes to complete them, then have the class discuss the results.

SITUATION: Specialist (SPC) Gutierrez and Private First Class (PFC) Torres were talking about the forthcoming Hispanic Heritage Month observance. Their conversation was in Spanish. Sergeant First Class (SFC) Stevens came up and told them to stop speaking Spanish.

QUESTION: This is an example of which of the following?

DISCRIMINATION

Making a difference in treatment on a basis other than individual merit.

Figure 5-1

FACTORS IN DISCRIMINATION

Race
Gender
Skin color
Religion
National Origin

Figure 5-2

PRACTICAL EXERCISE 5-1

- (A) Prejudice and discrimination.
- (B) Prejudice, but not discrimination.
- (C) Discrimination, but not prejudice.
- (D) Neither prejudice nor discrimination.

ANSWER: (C). Interfering with their personal conversation and ordering them to speak English is an act of discrimination. It is either based on their national origin or on their language choice. Although English is the operational language of the US Army, personal conversations may take place in any language.

PRACTICAL EXERCISE 5-2

SITUATION: You are a unit commander. Recently two female soldiers were assigned to your unit. Both women are wheeled vehicle mechanics. When they arrived, the unit was short two clerks. The unit had two men from the motor pool who were filling in until new clerk-typists arrived. Both men hold a secondary MOS of clerk-typist.

While inprocessing the women, you find out that they can both type 60 words per minute. Neither woman holds either a primary or secondary MOS as a clerk-typist. However, you decide to send the two men back to the

motor pool and give the typist jobs to the women. You feel that the women would be happier in an office environment, and their typing skills justify your decision.

QUESTION: This is an example of which of the following?

- (A) Proper use without discrimination.
- (B) Improper use without discrimination.
- (C) Discrimination, but proper use.
- (D) Discrimination and improper use.

ANSWER: (D). This is a clear case of discrimination based on gender and stereotyping sex roles; it is also improper use of personnel based on MOS qualification and assignment.

SITUATION: You are a company commander. The first sergeant provided facts showing that the 2d Platoon's platoon leader and platoon sergeant are using discriminatory practices concerning award and promotion recommendations.

PRACTICAL EXERCISE 5-3

QUESTION: What is the appropriate action to take given this information?

ANSWER: After investigating the situation, the commander has several options available: counseling, reprimands, UCMJ action, or elimination from military service.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.



UCMJ Implications of the Equal Opportunity Program

TASK: Identify Uniform Code of Military Justice (UCMJ) implications of the Army's Equal Opportunity (EO) Program.

CONDITIONS: In a classroom environment.

STANDARDS: Identify the UCMJ action appropriate to the EO violation.

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 20 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.

TOPIC COVERED: UCMJ articles appropriate to EO violations.

A soldier's disobedience and misconduct may have consequences unlike any in civilian life. For instance, sexual harassment by a soldier can seriously disrupt mission accomplishment. It can fatally disrupt it on the battlefield.

Because of the serious consequences, leaders must approach and carry out the Army's EO program in a spirit of total commitment. Leaders must make sure that all violations of EO policies are carefully investigated. Accused persons must have full access to all legal and regulatory protection. Taking these measures will help soldiers continue to have trust and confidence in the chain of command.

UCMJ ACTIONS

When evaluating corrective actions to deal with violations of the Army's EO Program, leaders should first con-

sider counseling, letters of reprimand and, when necessary, NCO Evaluation Reports or Officer Efficiency Reports. As a last resort, however the UCMJ provides the commander with appropriate means to deal with blatant or recurring violations.

The UCMJ has a number of articles which may be used to deal with EO and sexual harassment policy violations. Here are the major ones:

INSTRUCTOR NOTE: Show Parts 1 through 5 of OT 6-1, UCMJ ARTICLES, as you discuss the points.

UCMJ ARTICLES: PART 1

OFFENSE	ARTICLE NUMBER
Making racial or sexual comments and/or gestures	89 and 91: disrespect 117: provoking speech 134: indecent language prejudicial to good order and discipline
Offering rewards for sexual favors	134: bribery and graft

UCMJ ARTICLES: PART 2

OFFENSE	ARTICLE NUMBER
Making unsolicited and unwelcome sexual contact	120: rape 128: assault consummated by a battery
Threatening the career, job or salary of another unless they "cooperate"	134: indecent assault 127: extortion 134: communicating a threat

Figure 6-1

UCMJ ARTICLES: PART 3

OFFENSE	ARTICLE NUMBER
Engaging in harassment that affects job performance	92: dereliction of duty
If the harasser is an officer	133: conduct unbecoming an officer

UCMJ ARTICLES: PART 4

OFFENSE	ARTICLE NUMBER
Inflicting treatment that is cruel or considered maltreatment to any person subject to their orders	93: cruelty and maltreatment
Observing discriminatory or sexual harassment acts and neither stopping it nor reporting it to authorities	77: violation of principles

UCMJ ARTICLES: PART 5

OFFENSE	ARTICLE NUMBER
Making false statements	107: false official statement

Figure 6-1 (continued)

Officers and NCOs set the standard and lead by example. They are responsible for teaching and counseling subordinates before and whenever inappropriate behavior occurs. This way they can maintain a healthy environment and prevent situations from escalating to the point of legal action.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.

Enforcement of Equal Opportunity Policies

TASK: Define enforcement of equal opportunity (EO) policies.

CONDITIONS: In a classroom environment.

STANDARDS: Identify violations of EO policies and take corrective actions based upon Army command policy and leadership principles.

TARGET AUDIENCE: Leaders at squad level and above.

RECOMMENDED INSTRUCTION TIME: 15 minutes including the practical exercise (PE).

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers, PE 7-1 handout.

TOPICS COVERED: EO policy, EO violations, and a leader's EO enforcement responsibilities.

PRINCIPLES OF THE EQUAL OPPORTUNITY PROGRAM

As a leader, among your duties and responsibilities is enforcing the Army's and your organization's EO policies. For your review, here are the policy's main points:

ARMY'S EQUAL OPPORTUNITY POLICY

- Equal treatment for soldiers and family members
- Both on and off post
- Total environment (living and working)
- Environment free of sexual harassment

INSTRUCTOR NOTE: Show OT 1-1, ARMY'S EQUAL OPPORTUNITY POLICY. (See Lesson Plans 1 and 14 for discussions of sexual harassment.)

Figure 7-1

The EO program provides equal treatment for all soldiers and their family members. The program applies both on and off post and includes both living and working environments. It also provides an environment free of sexual harassment.

EQUAL OPPORTUNITY VIOLATIONS

Two of the major EO violations are discrimination and sexual harassment.

INSTRUCTOR NOTE: Show OT 7-1, MAJOR EO VIOLATIONS.

(See Lesson Plans 5 and 14 for more complete discussions of these points.)

MAJOR EO VIOLATIONS

- Discrimination (based on race, color, gender, religion, or national origin)
- Sexual harassment

DISCRIMINATION

Behavior based on prejudice is always abusive, and it is a major EO violation. This is discrimination in the worst sense of the term. It deprives people of their rights because of race, color, gender, religion, or national origin.

SEXUAL HARASSMENT

The Army defines sexual harassment as a form of sex discrimination. It involves unwelcome sexual advances, requests for sexual favors, and other types of sex-based verbal, nonverbal, or physical contact.

EO ENFORCEMENT RESPONSIBILITIES FOR LEADERS

You must take your duties and responsibilities seriously in every unit program. A leader who is active in supporting and enforcing the Army's and unit's EO policies will help to create and sustain an EO climate which improves overall readiness.

Figure 7-2

EO ENFORCEMENT RESPONSIBILITIES FOR LEADERS

- Lead by example
- On-the-spot correction (formal counseling)
- Formal counseling (written)
- Non-judicial punishment (Article 15, letter of reprimand, etc.)
- Use of OER and NCOER
- Judicial punishment (court martials)
- Bar to reenlistment
- Separation action

Figure 7-3

INSTRUCTOR NOTE: Ask the following question: "What are your responsibilities for enforcing violations of EO policies?" After several responses, show and discuss OT 7-2, EO ENFORCEMENT RESPONSIBILITIES FOR LEADERS.

INSTRUCTOR NOTE: Distribute the handouts for PE 7-1 and PE 7-2. Give the class 5 to 10 minutes to form answers, then discuss the issues.

PRACTICAL EXERCISE 7-1

SITUATION: Private E2 Ann Medis hates physical training. It is not because she hates exercising. She has always been athletic. She is tired of remarks by men in the unit such as "Can you make those moves for me, Baby?" When she went to the squad leader and complained, he suggested that she was not "cut out for the Army." He said, "The men were just joking. Don't take it so personally."

QUESTION: Are any leadership actions required? If so, what?

ANSWER: Yes. Counsel the squad leader on his ineffective leadership actions in dealing with PV2 Medis' complaint. This is a clear case of verbal sexual harassment. The squad leader should have counseled the soldiers involved concerning verbal abuse and stopped it.

Discuss such incidents with other unit leaders. Also, watch for behavior patterns that might lead to sexual harassment.

PRACTICAL EXERCISE 7-2

SITUATION: You are a unit commander. Recently two female soldiers were assigned to your unit. Both women are wheeled vehicle mechanics. When they arrived, the unit was short two clerks. The unit had two men from the motor pool who were filling in until new clerk-typists

arrived. Both men hold a secondary MOS of clerk-typist. While inprocessing the women, you find out that they can both type 60 words per minute. Neither woman holds either a primary or secondary MOS as a clerk-typist. However, you decide to send the two men back to the motor pool and give the typist jobs to the women. You feel that the women would be happier in an office environment, and their typing skills justify your decision.

QUESTION: This is an example of which of the following?

- (A) Proper use without discrimination.
- (B) Improper use without discrimination.
- (C) Discrimination, but proper use.
- (D) Discrimination and improper use.

ANSWER: (D). This is a clear case of discrimination based on gender and stereotyping sex roles; it is also improper use of personnel based on MOS qualification and assignment.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.

Implementation of the Unit Equal Opportunity Program

TASK: Describe the implementation process of the unit's Equal Opportunity (EO) program.

CONDITIONS: In a classroom environment.

STANDARDS: Identify the steps for implementing the unit's EO program based on Army command policy.

TARGET AUDIENCE: All NCOs/leaders. **NOTE:** Teach the complaint process portion to soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 30 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalk and chalkboard or butcher paper and magic markers.

TOPICS COVERED: EO implementation steps and complaint process.

EQUAL OPPORTUNITY IMPLEMENTATION STEPS

As a leader, one of your responsibilities is to carry out the Army's EO Program. The following implementation steps show you how to do this:

EQUAL OPPORTUNITY IMPLEMENTATION STEPS

- Policy memorandum (EO and sexual harassment)
- Trained EOR
- Complaint procedures
- Climate assessment
- Training
- Leading by example

INSTRUCTOR NOTE: Show OT 8-1, EQUAL OPPORTUNITY IMPLEMENTATION STEPS.

Figure 8-1

POLICY MEMORANDUM

Post the current EO policy memorandum containing the sexual harassment policy. Policy memorandums must reflect the entire chain of command's support of the EO program. Involvement should flow down from the division, through the brigade, to the battalion, then to the unit.

TRAINED EOR

Ensure that at least one school-trained Equal Opportunity Representative (EOR) is assigned to the unit.

COMPLAINT PROCEDURES

Post the procedures for registering and processing complaints. These procedures will be discussed in detail shortly.

CLIMATE ASSESSMENT

Conduct EO climate assessment. (**INSTRUCTOR NOTE:** The procedure for doing this is discussed in Lesson Plan 10.)

TRAINING

Develop EO training as required, and make sure that all soldiers participate. (**INSTRUCTOR NOTE:** See Lesson Plan 13.)

LEADING BY EXAMPLE

As leaders you are responsible for setting and maintaining standards of attitude and behavior. Set an example of fairness for all to follow.

EQUAL OPPORTUNITY COMPLAINT PROCESS

The complaint process plays a major role in carrying out the EO Program. Leaders must make sure their soldiers understand the complaint process and are fully aware of the ways they can get action taken on grievances.

**Leaders must make sure their
soldiers understand the complaint
process.**

TYPES OF COMPLAINT

Two levels of complaint exist in the EO Program: informal and formal.

Informal

An informal complaint is one which the soldier does not wish to file in writing. In the attempt to solve the problem at the lowest possible level, it may be necessary to involve the commander in resolving each informal complaint.

Informal complaints are not subject to time suspenses and are not reportable. However, they should be addressed with a sense of urgency and a sincere intent to resolve them.

Formal

A soldier files a formal complaint by submitting a sworn statement on DA Form XXX-R, Part I. In it the soldier identifies the alleged concern, names the parties involved and witnesses, describes the incident(s) or behavior, and specifies the date(s) of the occurrence. The soldier will also state the EO basis of the complaint (i.e., discrimination based upon gender; racial, ethnic, or religious affiliation; or sexual harassment).

The soldier has 180 days from the date of the alleged offense in which to file a formal complaint. This time limit was established to set a reasonable parameter for investigating and resolving complaints (e.g., availability of witnesses, accurate recollection of events, timely remedial action).

COMPLAINTS AGAINST THE CHAIN OF COMMAND

Soldiers must also know the process for making EO complaints against the chain of command. This chart will explain the procedure.

INSTRUCTOR NOTE: Show OT 8-1, COMPLAINTS AGAINST THE CHAIN OF COMMAND.

COMPLAINTS AGAINST THE CHAIN OF COMMAND

IF THE COMPLAINT IS AGAINST	ACTIONS SHOULD BE TAKEN BY
Company level personnel other than the commander	Unit commander or equivalent or equivalent
Unit commander or equivalent	Battalion commander or equivalent
Other on-post personnel, agencies, organizations, or off-post establishments	Unit commander or equivalent

Figure 8-2

EQUAL OPPORTUNITY RESPONSIBILITIES FOR LEADERS

Leaders are trusted to receive and act on all EO complaints. Use the following steps to carry out this duty:

INSTRUCTOR NOTE: Show OT 8-3, EQUAL OPPORTUNITY RESPONSIBILITIES FOR LEADERS.

ACTIONS OF THE COMMANDER

Upon receipt of the complaint, the commander will ensure that the soldier has been sworn to the complaint. For the purpose of EO complaints, the commander is authorized to administer oaths on DA Form XXX-R.

The commander will conduct an inquiry to determine if enough evidence exists to warrant a full investigation. Should such evidence exist, the commander would refer the case to the battalion- or brigade-level commander who would appoint an AR 15-6 investigating officer. If after reviewing the facts, the commander feels that further investigation is not necessary, he/she may take appropriate action against the alleged offender.

EQUAL OPPORTUNITY RESPONSIBILITIES FOR LEADERS

- Actions of the commander
- Timeliness of actions
- Use EO resources
- Use investigative or legal agencies (IG, SJA, PMO, etc.)
- Keep complainant informed

Figure 8-3

TIMELINESS OF ACTION

Rapid resolution of EO and sexual harassment complaints is in the interest of both the soldier filing the complaint and the command.

Rapid resolution of EO and sexual harassment complaints is in the best interest of both the soldier filing the complaint and the command. After receiving the complaint, the commander has 14 days (or three weekend drill periods for Reserve Components) in which to conduct an investigation to prove the claims or to refer the case to a higher echelon commander.

If circumstances make conducting a complete investigation impossible within the time period allowed, the commander may ask the next higher echelon commander for an extension. This extension cannot exceed 30 days (or two weekend drill periods). Upon receipt of an extension, the commander must inform the complainant of the extension, its duration, and the reasons for which it was requested.

USE EO RESOURCES

Use EO resources to help resolve the complaint and to determine its validity. These resources include the EOA and the unit EOR.

USE INVESTIGATIVE OR LEGAL AGENCIES

Use investigative or legal agencies such as the IG, SJA, and PMO) to examine complaints that cannot be solved by the chain of command.

KEEP COMPLAINANT INFORMED

It is extremely important to keep the complainant informed of the disposition and progress of the complaint. Remember to treat all complaints as valid until proven otherwise. They are real to the complainant.

STEPS FOR HANDLING EQUAL OPPORTUNITY COMPLAINTS

In handling an EO complaint, consider using the following four steps during the inquiry:

INSTRUCTOR NOTE: Show OT 8-4, STEPS FOR HANDLING EQUAL OPPORTUNITY COMPLAINTS.

ASSESS THE INCIDENT

Assess the incident on a case-by-case basis. You need to consider behavior in order to determine if the incident is a violation of the discrimination policy or is sexual harassment.

INTERVIEW PEOPLE INVOLVED

Interview all persons involved in the incident: the complainant, the alleged harasser, and any witnesses.

REVIEW RECORDS AND REPORTS

Review records to determine if this type of incident has occurred in the past.

TAKE APPROPRIATE ACTION

Take the type of action that fits the situation.

COMMAND FUNCTION IN THE COMPLAINT PROCESS

Soldiers may present EO complaints to the chain of command, inspector generals, or EO advisers. How and by whom the complaint is formally processed is a command determination. Other command duties are the following:

INSTRUCTOR NOTE: Show OT 8-5, COMMAND FUNCTION IN THE COMPLAINT PROCESS.

STEPS FOR HANDLING EQUAL OPPORTUNITY COMPLAINTS

- Assess the incident
- Interview people involved
- Review records and reports
- Take appropriate action

Figure 8-4

COMMAND FUNCTION IN THE COMPLAINT PROCESS

- Promote chain-of-command use
- Conduct informal investigations
- Monitor on-post activities
- Monitor off-post activities
- Monitor US bases in foreign countries

Figure 8-5

PROMOTE CHAIN-OF-COMMAND USE

Encourage soldiers to use command channels to voice their grievances. Commanders, with the help of senior NCOs, will ensure that soldiers are fully aware of procedures for having their complaints heard. This includes those against members of the chain of command. These procedures will be in writing and openly displayed for easy personnel access.

**Encourage soldiers to use
command channels to voice their
grievances.**

CONDUCT INFORMAL INVESTIGATIONS

The member of the chain of command or staff agency receiving the complaint will conduct an informal inquiry into the claim to determine if it has merit. If it does, the member will help the commander resolve the complaint at the lowest appropriate level.

When, in the course of an informal investigation or fact-finding inquiry, the interviewer suspects the person being interviewed has violated the Uniform Code of Military Justice (UCMJ) (e.g., any case of alleged sexual harassment punishable under Articles 93, 117, 120, 127, 128, or 134 of the UCMJ), the interviewer should stop the inquiry and notify the appropriate member of the chain of command.

If, during an informal inquiry, facts indicate a formal investigation is needed, a recommendation is made to the commander who has the authority to direct such an investigation. The commander then reviews the facts presented. If the commander determines that a formal investigation is appropriate, a disinterested officer will be appointed to conduct the investigation.

Complaints of housing discrimination involving unequal treatment because of race, color, religion, gender, or national origin will be forwarded to the local housing referral office for processing per AR 210-50.

MONITOR ON-POST ACTIVITIES

Installation commanders are responsible for ensuring that an organization using on-post facilities does not engage in unlawful discriminatory practices.

It is not enough to depend solely on the published bylaws or the constitution of the organization. The commander must assess the organization's actual membership practices and their effect upon the command.

In cases where questionable practices exist or claims of discrimination are made, the burden of proof rests with organization members. They must convince the commander that their organization does not engage in discriminatory practices.

MONITOR OFF-POST ACTIVITIES

Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public accommodations. Such facilities include privately owned establishments like hotels, restaurants, gasoline stations, theaters, and places of entertainment.

The concerned commander ensures that the facts surrounding allegations of discriminatory practices are fully developed. The command also makes sure that individuals and organizations alleged to practice such discriminatory actions are given a full and fair chance to challenge the allegations.

If all reasonable efforts and alternatives fail to stop off-post discriminatory practices in public accommodations, commanders are authorized to place the facilities off-limits.

MONITOR US BASES IN FOREIGN COUNTRIES

Soldiers stationed outside the United States are not protected under the Civil Rights Act of 1964 while off post. Nonetheless, concerned commanders of installations in foreign countries will take whatever actions are available and appropriate to stop discriminatory practices in public places that affect members of his command and their families.

STAFF AGENCIES INVOLVED IN THE EO PROGRAM

Staff agencies are available to help and guide you if corrective action is appropriate or if further investigation or consultation is required. These agencies are the following:

- Chaplain's Office.
- EO Office/Adviser.
- Staff Judge Advocate.
- Housing Referral Office.
- Inspector General's Office.
- Provost Marshal's Office.

Commanders cannot keep soldiers from using these channels IAW the procedures inherent in and established by these agencies.

Staff agencies are available to help and guide you if corrective action is appropriate or if further investigation or consultation is required.

COMPLAINT ACTIONS OF ALTERNATIVE AGENCIES

Any alternative agency that receives a complaint of discrimination or sexual harassment must talk with the complainant and gather all pertinent information about the complaint. It must tell the complainant what role it can play (i.e., action, information gathering, or referral to an action agency or commander) and what it will do with the complaint. That information will be annotated on DA Form XXX-R, Part I, d.

- Any agency or commander receiving complaints that clearly identify criminal activity (i.e., blackmail, asault, rape, etc.) will immediately refer the complaint to the provost marshal or Criminal Investigation Division for investigation.
- Complaints of assault and rape will immediately be referred to medical agencies for gathering forensic evidence and to help treat and counsel the victim and apprehend the assailant(s).
- Claims of discrimination in housing, both on and off post, will go to the Housing Referral Office for processing under provisions of AR 210-50.
- Receipt of complaints will be annotated in writing on DA Form XXX-R, Part I, d. The receiving agency may decide not to investigate the complaint and will refer it to another agency or, with the complainant's consent, back to the commander. If this occurs, that referral must be made within three days (at the next drill period for Reserve Components) with the written consent of the commander. (DA Form XXX-R, Part I, e.)
- If a complaint is filed against a promotable colonel, an active or retired general officer, an inspector general of any component, a member of the Senior Executive Service, or a person on the Executive Schedule, the claim will be reported directly to the Investigations Division, USAIGA, by confidential means within five days of receipt.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.

Leadership Issues Related to Cultural Diversity

TASK: Identify leadership issues related to cultural diversity.

CONDITIONS: In a classroom environment.

STANDARDS: Describe leadership issues related to cultural diversity.

TARGET AUDIENCE: Leaders at squad level and above.

RECOMMENDED INSTRUCTION TIME: 60 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.

TOPICS COVERED: Managing diversity vs. managing equal opportunity (EO), misunderstandings based upon communications, stereotypes, assumption, lack of common experiences, responses to physical differences, and values and beliefs.

DIVERSITY DEFINED

DIVERSITY

The condition of being different.

Figure 9-1

INSTRUCTOR NOTE: Ask the following question: "What is meant by diversity?" After several responses show OT 9-1, DIVERSITY.

This is a general dictionary definition. In other words, it means dissimilarity and variance between things. The differences could be in size, weight, age, texture, and so on.

INSTRUCTOR NOTE: Ask the the following question: "What is meant by managing diversity?" After several responses, show OT 9-2, MANAGING DIVERSITY.

As you can see, we have now gone from the general to the specific. We are now talking about running business organizations such as the Army.

MANAGING DIVERSITY VERSUS MANAGING EQUAL OPPORTUNITY

INSTRUCTOR NOTE: Ask the following: "What are some of the similarities between managing diversity and managing EO?" After several responses, provide the following information:

- Full use of one's potential regardless of race, color, gender, religion, or national origin.
- Acceptance of differences in people and building on them for the benefit of the organization.
- Recognizing that the organization will have to change its culture to create an environment to meet the needs of its soldiers. An example of this is unmarried, pregnant soldiers being able to stay in military service. Years ago they were separated when the pregnancy was revealed.

INSTRUCTOR NOTE: Ask the following question: "What are some of the major concerns or problems a leader might face in managing a culturally diverse organization?" After several responses discuss the following:

MISUNDERSTANDINGS BASED UPON COMMUNICATIONS

Although English is the language used for all official Army matters, communication problems still exist. Here are some of the reasons:

INSTRUCTOR NOTE: Show OT 9-3, FACTORS CAUSING COMMUNICATION PROBLEMS.

MANAGING DIVERSITY

A way of creating an environment that will enable all people to reach their full potential in pursuing organizational objectives.

Figure 9-2

FACTORS CAUSING COMMUNICATION PROBLEMS

- Communication style
- Nonverbal communication
- Trust
- Accents
- Jargon

Figure 9-3

COMMUNICATION STYLE

Even when the same language is used, people create and interpret information differently. Therefore, the message intended is not always the message received.

Differences in communication styles can make the sender of the message appear to be pushy, rude, aggressive, passive, etc. Factors involved in this are volume and rapidity of speech, tone of voice, and emphasis on key words.

NONVERBAL COMMUNICATION

Nonverbal communication is the sum total of our body's communication. It is how our body communicates or sends a message. Nonverbal communication changes meaning with time and has different meanings for different people or groups.

Studies show that 50 percent of a message's impact comes from body movements or nonverbal communication. For example, crossing your arms indicates defiance. Putting your hand on your chin shows thought.

Leaders need to understand the importance of checking nonverbals when communicating. This might give them a clearer picture of how the soldier is reacting to the discussion. However, we cannot assume that we understand what the body language is saying. We must check for clarity when verbal or nonverbal messages are being sent.

TRUST

Trust plays an important role in intercultural, interracial, and inter-gender communication. Some ethnic groups and women are sometimes suspicious of their supervisors. Because experiences may have led them to be leery, there may be sometimes be problems with the interactions.

A lack of trust can result not only in miscommunications, but also in no communications.

ACCENTS

Some people react negatively to accents. They may even be rude when someone does not speak "proper" English.

People have accents either because of ethnicity or region of country from which they come or because

English is their second language. Some people consider them to be less intelligent, less competent, and even less trustworthy.

Leaders need to judge if accent interferes with the ability to communicate or perform. If accents do not interfere, then individuals need to focus more on listening to what is being said, and not on how it is said.

JARGON

People make judgments about others based on the kinds of expressions they use because of the region of country from which they come. Such expressions include "yonder," "haint," "y'all," and "sho'nuf." These speakers are sometimes thought to be uneducated, or less intelligent.

Leaders need to understand that certain terms are unique to individuals from certain regions and do not indicate their level of intelligence or educational.

STEREOTYPES

A stereotype is a standardized mental picture that one person or group of people holds in common about another person or group of people.

Stereotyping is done by almost everyone at some time. Many people do it to justify their conduct in relation to the group they have categorized.

Some stereotypes can be interpreted as positive or negative in the eyes of another; for example, Asians are intelligent and Hispanics are emotional. However, positive stereotyping can be just as dangerous as negative stereotyping.

ASSUMPTIONS

An assumption is the act of taking something for granted or supposing. Assumptions about people often blind the assumer to what the individuals are actually like, say, or do.

LACK OF COMMON EXPERIENCES

The fact that people have different experiences accounts for many of the problems that occur when they try to interact cross-culturally or across genders.

Cultural, racial, and gender differences affect our experiences. Our experiences or lack of them directly relate to our ability to communicate and be understood.

We might hear and understand the words, but are unable to

The fact that people have different experiences accounts for many of the problems that occur when they try to interact cross-culturally or across genders.

relate them to an experience we have had; we are therefore unable to get the meaning of the communication. For example, if you are from an extended or broken family, the word "family" might have a different meaning or emotional charge for you than for someone from a nuclear family.

RESPONSES TO PHYSICAL DIFFERENCES

Emotional responses to physical differences may hinder effective communications between or among groups.

Beliefs of superiority or inferiority associated with physical differences interfere with the communication process and the way people treat each other. They often foster racism and sexism.

VALUES AND BELIEFS

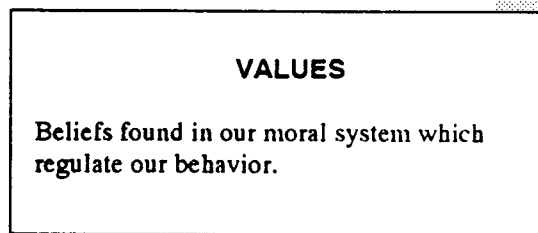


Figure 9-4

INSTRUCTOR NOTE: Ask the question, "What are values?" After several responses are given, show OT 9-4, VALUES.

Values are a type of belief centrally located within our personal value system. They regulate how we should or should not behave. Our values are often adopted unconsciously from a larger, societal value system.

How we interact with others is quite often based on our value systems and beliefs. When people hold different values or have different beliefs, communication may be difficult, and problems may arise. For example, many Hispanics value extended families and have close kinship ties. A leader not placing the same values on family members outside the immediate family might not be willing to grant an emergency leave to a Hispanic soldier wanting to attend a great-uncle's funeral. This can have a negative impact on the relationship of not only the soldier requesting the leave and the commander. It can create anger among other Hispanics in the organization who hear the story.

People are also motivated and respond to praise differently based on values and culture. It is important that leaders know what type of motivators to use and how to praise or reward. For example, many Native Americans would rather be recognized in a manner that does not draw

a lot of individual attention to them.

Problems can also arise in an organization when some soldiers who value aggressive behavior outrank other soldiers who, either culturally or individually, have been taught to be more non-assertive. For example, many Asians would be less likely to assert themselves and take credit for accomplishments than a non-Asian. This behavior can lead those who evaluate or promote them to view the Asians as weak or lacking in leadership potential. This is especially true if the superior believes aggressive behavior is a characteristic of a good leader.

Many Americans think that telling the truth is especially essential: "Honesty is the best policy." They respect candor or straight talk. Other cultures are no less honest, but make different distinctions and have their own ways of communicating real meaning. For many Asians, sensitivity to feelings and loyalty to family might be more important than candor.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.



Techniques for Equal Opportunity Climate Assessment

TASK: Identify techniques for equal opportunity (EO) climate assessment.

CONDITIONS: In a classroom environment.

STANDARDS: Correctly identify methods of assessing unit EO climate and climate indicators.

TARGET AUDIENCE: Leaders at squad level and above.

RECOMMENDED TIME: 30 minutes including the practical exercise (PE).

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.

TOPICS COVERED: Leaders' assessment-management tools, methods for assessing EO climate, and indicators of intergroup unrest

NOTE: Per AR 600-20, commanders must conduct a climate assessment and unit training needs assessment NLT 60 days after assuming command.

ASSESSMENT-MANAGEMENT TOOLS FOR LEADERS

The presence in a unit of intergroup concerns, tensions, and disruptive incidents is a human relations problem. However, you can discover and overcome these conflicts.

The leadership chain has many tools available to show whether potential problems or actual EO abuses exist in their organizations. Here are these assessment tools:

INSTRUCTOR NOTE: Show OT 10-1, EQUAL OPPORTUNITY CLIMATE ASSESSMENT TOOLS.

- Military police blotter reports.
- Surveys of the unit. This is normally a function of the brigade or of a separate command.
- Affirmative action plan (AAP) compliance monitoring reports. This is also usually a duty of the brigade or separate command.
- Reports of off-post discrimination in facilities, housing, and treatment in general.
- Reports of conflicts within in the unit.
- Reports and complaints about the PX and other on-post facilities not providing certain products and services for soldiers of a particular race or cultural background. For example, barber and beauty supplies, ethnic magazines, and special grooming aids might be mentioned.
- Reports of disorders in the club systems
- Reports of disorders in the officer, NCO, or enlisted club system.
- Commanders call and command information sessions.
- EO seminar feedback. This is normally a brigade or separate command function.
- Military Equal Opportunity Climate Survey (MEOCS).
- DA Pam 600-69, Unit Climate Profile Commander's Handbook.
- Command and inspector general (IG) inspection reports.

While using these tools you, as a leader, may learn that you have personally contributed to the problem areas. If this happens, do not become defensive and rationalize, project, displace, or otherwise blame the victim for leadership failures. The presence of incidents does not mean that you have lost control. Your challenge is to examine what and how the problem developed and then to follow up with constructive recommendations and actions.

Do not assume that everything is running smoothly merely by the lack of incidents or statistics. Seek out those who are "shielding you" from looking beyond the surface issues. Also, examine the communication patterns and decision processes.

**EQUAL OPPORTUNITY
CLIMATE
ASSESSMENT TOOLS**

- MP Blotter Reports
- Unit Surveys
- AAA Compliance monitoring reports
- Reports of off-post discrimination
- Reports of unit disturbances
- Complaints about the PX
- Commander's call and command info. sessions
- EO seminar feedback
- MEOCS
- DA PAM 600-69
- Command and IG inspection reports

Figure 10-1

METHODS FOR ASSESSING EO CLIMATE

Besides formal reports and studies, use the following informal methods of assessing the EO climate:

METHODS FOR ASSESSING EO CLIMATE

- Informal and positive two-way communication
- Open-door leadership policy
- Understandable unit procedures
- Positive ethnic recognition
- Equal treatment monitoring

Figure 10-2

INSTRUCTOR NOTE: Show OT 10-3, METHODS FOR ASSESSING EO CLIMATE.

INFORMAL AND POSITIVE TWO-WAY COMMUNICATION

Make active efforts to communicate with unit personnel and subordinate leaders.

- Visit dining halls, dayrooms, places of work, and community facilities alone, before, during, and after duty hours.
- Conduct interpersonal communication exercises to emphasize active listening and feedback.
- Offer feedback on observed behavior to keep channels of communication open.
- Train yourself in doing the jobs of the enlisted soldiers.
- Look to see if supervisors are checking work areas.
- Check to see if supervisors are able to do the jobs they assign others to do.

OPEN-DOOR LEADERSHIP POLICY

Use an open-door policy to receive comments from unit members. This will stop rumors and help detect those attitudes that might cause problems later.

- Check if subordinates (platoon sergeants, squad leaders, etc.), are "blocking the door" to convince you that no one has problems.
- Learn to "walk through your own open doors." Get out daily to communicate with your soldiers.

UNDERSTANDABLE UNIT PROCEDURES

Review the unit's administrative procedures to ensure that all soldiers understand the content and basis of command decisions. These decisions must be steps toward increasing chain of command credibility. Ask yourself these process (How and Who) questions:

- Who in the chain of command influences who?
- Who are the informal leaders?
- How are decisions made?
- Who listens to whom?
- Who dominates staff meetings?
- How is time managed?
- Who participates, who does not?

POSITIVE ETHNIC RECOGNITION

Think of ways to foster understanding among unit officers and enlisted members from all ethnic backgrounds.

- Maximize hometown news releases.
- Develop a publicity bulletin board in the billets.
- Conduct cross-cultural training and ethnic events.

EQUAL TREATMENT MONITORING

Monitor the unit's administration for trends that show possible unfairness, inequality, or apathy in such areas as promotions, training, duty rosters, duty positions and assignments, and administering UCMJ actions.

INDICATORS OF INTERGROUP UNREST

An analysis of intergroup tension indicators in Army units has been conducted by the Department of the Army and the Army Research Institute. The results show that certain common conditions seem to exist before violence erupts.

Here are the most significant indicators:

- Group participation in intergroup incidents.
- Meetings of groups to the exclusion of others.
- Negative polarization off post and on post.
- Increased frequency and nature of complaints of alleged discrimination.
- Use of abusive words and display of offensive symbols.
- Low unit morale.
- Discriminatory practices in surrounding civilian communities.
- Increase in intergroup unrest in civilian society.
- Indifferent responses by soldiers who have one cultural background to orders given by soldiers who have another.
- Increased use of offensive language, both orally and written, in public places.
- Control of dayrooms or other on-post facilities by certain groups to the exclusion of others.
- Poor personal appearance by soldiers.

- Poor military courtesy by soldiers.
- Increased number in AWOLs.
- Claims of unfairness in promotions.
- "Cutting in" at dining facility lines with the aid of members of one's own group.
- Cooks' distribution of food servings varying in size according to in-group, out-group.
- Increase in incidents of thefts, robberies, and assaults.
- Interpretation of ethnic separatism as a sign of hostility.
- Reluctance to discuss group differences in mixed company.
- Resistance to authority.
- Failure or unwillingness to use established complaint channels.
- Unwillingness by leaders to openly acknowledge group differences.
- Lack of respect for the military police (MPs).
- Increase in the volume and nature of rumors.
- Unwillingness to communicate between superior and subordinates.
- Resentment upon being asked to explain why groups do not associate with each other.
- Claims of extra duties and details being assigned according to groups.
- Impatience in understanding some soldiers' difficulties with using the English language.
- Frequent fights (individual and group) between or among members of different groups.
- Any off-post incident that arises with intergroup overtones.
- Poor discipline.
- Increase in requests for transfer.
- Complaints of discrimination in administering the Uniform Code of Military Justice (UCMJ).
- Leaders' avoidance of handling intergroup tension for fear of losing control.

INSTRUCTOR NOTE: Distribute the handout for PE Give the class 5 to 10 minutes to answer the question, then discuss the results.

PRACTICAL EXERCISE 10

SITUATION: You are the commander of Battery A, 1st Bn, 7th Air Defense Artillery. You have been ordered by the battalion commander to conduct an EO

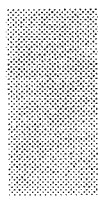
assessment of your unit. Today is Thursday, 11 February 1993. The suspense date for this action is 28 February 1993.

QUESTION: What actions should you take to successfully accomplish this mission?

ANSWER: Using the assessment tools available to the commander which were listed at the start of the class, the following actions are recommended:

- Follow the guidelines listed in Lesson Plan 10 to produce the desired effect.
- The unit EO Representative (EOR) and the brigade EO Advisor (EOA) can conduct surveys, interviews, or observe day-to-day behavior of unit personnel and report findings to the unit commander. Any unfavorable findings by the EOR or EOA will include recommendations for corrective action. The unit commander must then choose a course of action to correct the unfavorable findings, for example, offer corrective training sessions, etc. All this is done through the unit EOR and the brigade EOA. They are very valuable assets to the unit. Do not hesitate to benefit from their skills.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.



Equal Opportunity Action Plan

TASK: Construct an equal opportunity (EO) action plan.

CONDITIONS: In a classroom environment.

STANDARDS: Describe the steps to develop an EO action plan that will correct unacceptable behavior.

TARGET AUDIENCE: Leaders at platoon-sergeant level and above.

RECOMMENDED TIME: 15 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparency (OT), chalkboard and chalk or butcher paper and magic markers.

TOPIC COVERED: Steps to develop an EO action plan.

DEVELOPING AN EO ACTION PLAN

The process of developing an EO action plan starts when you confront the problem. It continues until you develop and then carry out a solution. Your action plan must focus on a specific problem and contain new methods or ideas designed to improve your unit.

The development process helps you analyze the problem, identify influencing forces, develop possible courses of action, assess the situation, and decide on a course of action.

STEPS TO DEVELOP AN EO ACTION PLAN

Use these steps to develop an EO action plan.

INSTRUCTOR NOTE: Show OT 11-1, STEPS TO DEVELOP AN EO ACTION PLAN.

- Interpret the the situation. In other words, assess the EO problem, issue, or concern.
- Analyze all the factors and forces that relate to the situation to discover what is going well and not going well. This could encompass policies, regulations, affirmative action plans, and standard operating procedures.
- Choose the courses of action you feel will be most appropriate.
- Carry out the courses of action that you chose. Follow through or apply the selected actions. (As an additional reference, leaders can use TC 26-2, Effective Planning, and TC 26-4, Problem Solving.)

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.

STEPS TO DEVELOP AN EO ACTION PLAN

- Interpret the situation
- Analyze the factors and forces
- Choose your courses of action
- Carry out your courses of action

Figure 11-1

The Affirmative Action Plan

TASK: Describe the elements of the affirmative action plan (AAP).

CONDITIONS: In a classroom environment.

STANDARDS: Be aware of the ways to intergrate the AAP into the unit's Equal Opportunity (EO) program.

TARGET AUDIENCE: Leaders at platoon-sergeant through unit commander level.

RECOMMENDED TIME: 30 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.

TOPICS COVERED: Affirmative actions and the AAP.

INSTRUCTOR NOTE: Commanders below brigade level are not required to prepare an affirmative action plan (AAP). However, they must know how to integrate an AAP into the unit's equal opportunity (EO) functions according to guidance from the battalion and brigade commanders. AAP integration for unit EO functions is a matter of discussion between the unit commander and his or her rater. Certain subjects of the AAP may not concern unit EO functions. Therefore, commanders only need to think about the areas of the AAP that the rater feels are necessary.

AFFIRMATIVE ACTIONS

Here is a definition of affirmative action:

INSTRUCTOR NOTE: Show OT 12-1, AFFIRMATIVE ACTIONS. Give the students time to read the viewgraph.

As leaders, you must understand more than just the purpose of an AAP. You must also be familiar with its intricacies in order to accomplish the goals of the brigade's AAP.

Affirmative actions can involve more than EO matters. They may include any subject the brigade commander or commanders at higher headquarters deem necessary. Therefore, leaders must make a point of asking their respective raters about the AAP during the initial officer evaluation report (OER) and noncommissioned officer evaluation report (NCOER) counseling session with them.

Affirmative actions include identifying opportunities for racial and ethnic groups as well as for females. You must encourage interest in these opportunities in order to compensate for disadvantages and inequities that may have resulted from past discrimination.

As leaders, you can use affirmative actions by considering the demographics of your unit when recommending soldiers for promotions and awards, administering disciplinary actions, and assigning or concurring with assignments to leadership positions.

AFFIRMATIVE ACTION PLAN

Affirmative action plans concern conditions where affirmative action is needed and where the results sought are clearly expressed. Here is a definition:

INSTRUCTOR NOTE: Show OT 12-2, AFFIRMATIVE ACTION PLAN (AAP). Give the students time to read the viewgraph.

PURPOSE

The Department of the Army (DA) AAP sets forth the affirmative action goals and objectives for itself, Army staff

AFFIRMATIVE ACTIONS

Are positive actions made by DA activities to ensure that all soldiers and their families are given equal opportunity in the Army.

Figure 12-1

AFFIRMATIVE ACTION PLAN (AAP)

Is a personnel management document that consists of statements of attainable goals and their timetables which, when met, ensure equal opportunity for all soldiers. An AAP is required of all Army organizations, commands, and agencies down to brigade (or equivalent) level.

Figure 12-2

agencies, and major Army commands which support its EO program.

OBJECTIVES

The objectives of the AAP are these:

- To identify and establish goals, responsibilities, and policies.
- To firmly embed the EO function in the Army's leadership framework.
- To direct affirmative actions that give equal opportunity and treatment to all soldiers regardless of race, color, gender, religion, or national origin.

SCOPE

The Army's AAP is a personnel management document. It fulfills a specific Department of Defense (DOD) requirement. It also aligns requirements outlined in DOD Directive 1350.2, DOD Instruction 1350.3, and AR 600-20.

Actions directed in the AAP are meant to do the following things:

- Prevent individual discrimination and assure all qualified soldiers the chance for upward mobility.
- Provide information on the demographics of the Army.
- Instill AAPs into military organizations by placing affirmative action responsibility into the hands of commanders.

THE SEVEN AAP AREAS

The AAP contains these seven areas:

THE SEVEN AAP AREAS	
1. Subject	5. Goals
2. Proponent	6. Milestone(s)
3. Objective	7. Basis for goal(s)
4. Affirmative action(s)	

Figure 12-3

INSTRUCTOR NOTE: Show OT 12-3, THE SEVEN AAP AREAS.

1. The **SUBJECT** is the area where affirmative action is needed.
2. The **PROPONENT** is the subject matter expert or responsible agency or activity.
3. The **OBJECTIVE** is the general end to be attained.
4. **AFFIRMATIVE ACTIONS** are specific steps to achieve the objective.

5. **GOALS** are realistic objectives that are both measurable and attainable. Goals are not quotas. They are neither ceilings nor base figures. Goals should be developed, not just reviewed. Each level in the chain of command must take part in developing them. Affirmative action goal development and accountability are the responsibilities of the commander or functional manager. This person has the means and authority to control or influence the outcome of specific affirmative actions. Goal design should be based on sound reasoning, consideration of appropriate variables, realistic limits, and prospects for achievement. Goal revision occurs not less than each year after annual EO unit assessments.
6. **MILESTONES** are timetables or schedules for carrying out AAPs.
7. The **BASIS FOR GOALS** may be policy or regulatory guidance; it may also be the result of an assessment showing that affirmative action is needed.

REVIEW AND ANALYSIS

Just as in goal development, successful review, analysis, and reporting of affirmative action progress must involve commanders, heads of staff agencies and their subordinates. Periodic reviews presented to major Army command (MACOM) leaders are particularly effective. They set the stage for information exchange, guidance, and follow-up action.

There should be at least two assessments of the command and subordinate units each year covering the following:

INSTRUCTOR NOTE: Show OT 12-4, AFFIRMATIVE ACTION PLAN REVIEW AREAS.

TRAINING

Review and assess EO, EOR, and leader training.

COMPLAINTS

Review the outcomes and course of action taken on each complaint.

AFFIRMATIVE ACTION PLAN REVIEW AREAS

- | | |
|-----------------|---------------------|
| ■ Training | ■ Personnel actions |
| ■ Complaints | ■ Ethnic |
| ■ Key positions | observances |

Figure 12-4

KEY POSITIONS

Review key positions and compare them with the population of the organization by gender and racial and ethnic designation categories (REDCAT).

PERSONNEL ACTIONS

Review both positive personnel actions (such as local promotions, awards, and schooling) and adverse personnel actions (such as judicial and nonjudicial punishment and involuntary separations) by gender and REDCAT to identify trends or the immediate need for affirmative actions.

ETHNIC OBSERVANCES

Review the planning and conducting of ethnic observances.

SAMPLE AAP SUBJECT AREA

Here is an example of a subject area for an affirmative action plan. Remember, affirmative actions may also concern areas other than EO in nature.

The problem surfaced during the 1st Infantry Brigade's annual IG inspection. The IG discovered that soldiers throughout the brigade were not receiving proper counseling. As a result, the brigade commander added the following subject area to the AAP:

SAMPLE AAP SUBJECT AREA

SUBJECT: Leadership Counseling.

PROPONENT: Brigade CSM.

OBJECTIVE: Ensure that soldiers receive adequate counseling.

AFFIRMATIVE ACTION: All supervisors must keep a copy of FM 22-101, Leadership Counseling, at their work area. They must ensure that counseling is conducted IAW FM 22-101.

GOALS: Counsel soldiers at least quarterly on job performance.

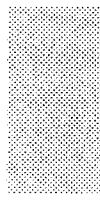
MILESTONE: Provide quarterly counseling schedules to the brigade each month.

BASIS FOR ACTION: During an annual IG inspection of the brigade, it was noted that throughout the brigade soldiers were not receiving proper counseling.

INSTRUCTOR NOTE: Show OTs 12-5, SAMPLE AAP SUBJECT AREA. Give the students time to read these OTs.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.

Figure 12-5



Techniques for Equal Opportunity Training

TASK: Identify techniques for equal opportunity (EO) training.

CONDITIONS: In a classroom environment.

STANDARDS: Identify techniques for conducting EO training.

TARGET AUDIENCE: Leaders at platoon leader-sergeant level and above.

RECOMMENDED TIME: 20 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Chalkboard and chalk or butcher paper and magic markers.

TOPICS COVERED: Topic selection; resources used; format style and type; and location, time, and setting for EO training; and evaluation of EO training.

NOTE: Per AR 600-20, applicable commanders must provide EO training for the following personnel at brigade level and above: NCOs from master sergeant through command sergeant major, field grade officers, and senior DA civilians.

As a leader, you are responsible for ensuring that the soldiers under your command or supervision receive EO training at least biannually. You must also lead the training.

TOPIC SELECTION

Some topics to consider for training are EO policies and procedures, the behavior exhibited by members of your command or section, or other current EO issues and concerns.

RESOURCES

Helpful sources include the library, training and audiovisual support center (TASC), learning resource center (LRC), and organizational and installation agencies such as the unit Equal Opportunity Representative (EOR), Equal Employment Opportunity (EEO) Office, chaplain's office, and EO Office.

FORMAT STYLE AND TYPE

The style or type of format you use in your presentation should be based on the subject matter and the desired results. Do you want group involvement? Do you just want to put out information? These are the types of questions you must ask yourself.

LOCATION, TIME, AND SETTING

Location, time, and setting for your class are also an important factors. Consider what type of atmosphere you want, what kinds of training aids, etc.

EVALUATION

When you complete the training, you may wish test your soldiers to make sure the desired results have been accomplished.

INSTRUCTOR NOTE: Summarize the lesson and ask for questions.

Identification of Current Army Equal Opportunity Issues

TASK: Identify and discuss current Army equal opportunity (EO) issues.

CONDITIONS: In a classroom environment.

STANDARDS: Identify and discuss current Army EO issues.

TARGET AUDIENCE: Senior NCOs and all officers and warrant officers.

RECOMMENDED TIME: 20 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.

TOPICS COVERED: Racial and cultural differences, sexual harassment, women in the military, and taking appropriate and timely actions.

EO issues are always present. If we are not sensitive to their importance, they can have an adverse impact on unit cohesion and readiness.

INSTRUCTOR NOTE: Ask students, "Based on recent news media coverage and your own observations, what are the most pressing EO issues in Army units today?" Write the responses on a chalkboard or butcher paper, and channel them into these four issues: racial and cultural differences, sexual harassment, women in military service, and taking appropriate and timely actions. When the list is developed, draw on the students' unit experiences. Discuss how these issues have affected their home and working environments. Structure the discussion on each issue using the three questions shown in OT 14-1.

INSTRUCTOR NOTE: Show OT 14-1, QUESTIONS ABOUT ARMY EO ISSUES.

RACIAL AND CULTURAL DIFFERENCES

The branches of American military service are probably the most culturally, ethnically, and racially diverse organizations in our country. Often for the first time in their lives, young soldiers have to adapt to differences including appearance, behavior, speech, and dress. Therefore, a leader who is aware of the cultural and racial differences of the soldiers assigned to his unit is better able to develop and maintain unit cohesion and readiness.

The goal of the Army's EO policy on this issue is to create an environment that will enable all people to reach their full potential regardless of racial or cultural differences. What problems are units having which could block this goal? Also, how might these problems affect unit readiness?

INSTRUCTOR NOTE: Listen to and discuss the responses. Read Lesson Plans 3 and 9 for more details on this issue.

SEXUAL HARASSMENT

The Army defines sexual harassment as a form of sex discrimination. In brief, it involves unwelcome sexual advances, requests for sexual favors, and other types of sex-based verbal, nonverbal, or physical contact.

INSTRUCTOR NOTE: Show OT 14-2, SEXUAL HARASSMENT. Give the students time to read these viewgraphs.

QUESTIONS ABOUT ARMY EO ISSUES

- What is the Army's policy on this issue?
- What problems are units experiencing with this issue?
- What is this issue's impact on command climate and unit readiness?

Figure 14-1

SEXUAL HARASSMENT

A form of sex discrimination that involves unwelcome sexual advances, favors, and other verbal or physical contact of a sexual nature when --

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct interferes with a person's performance or creates an intimidating, hostile, or offensive environment.

Figure 14-2

Sexist behaviors which frequently become sexual harassment may be verbal, non-verbal, or physical.

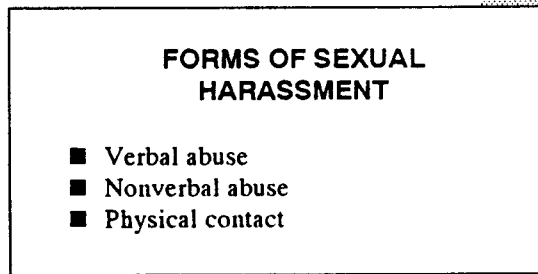


Figure 14-3

INSTRUCTOR NOTE: Show OT 4-5, FORMS OF SEXUAL HARASSMENT.

VERBAL ABUSE

Examples of verbal abuse are profanity, off-color jokes, sexual comments, threats, barking, growling, oinking, and whistling at passersby to show a reaction to their physical appearance. Another kind of verbal abuse is using intimate terms such as "honey, baby, or dear" to refer to co-workers.

NONVERBAL ABUSE

Examples of nonverbal abuse are leering, ogling (giving the person the "once over"), blowing kisses, licking lips, winking, leaving sexually suggestive notes, and displaying sexist cartoons and pictures. Other examples are men lowering their pants to tuck in their shirts in the presence of women and women demonstratively adjusting their brassiere straps in the presence of men.

PHYSICAL CONTACT

Examples of physical contact are touching, patting, hugging, pinching, grabbing, cornering, and kissing. Others are playing footsie-kneesie, blocking a passageway, unsolicited back and neck rubs, and clothing adjustments.

INSTRUCTOR NOTE: Ask the class following questions:

- "Is being aware of the Army's sexual harassment policy important? If so, why is it important?"
- "Should you report people who are involved in incidents you perceive to be sexual harassment? If you should, why should you?"

Break the class into small groups, and give them 10 minutes of intergroup discussion. When time is up, select a spokesperson from each group to report the group's thoughts to the class.

The Army's policy on sexual harassment also states that any person in a supervisory or command position who uses implicit sexual behavior to control, influence, or affect the career, pay, or job of a soldier or civilian employee is engaging in sexual harassment.

Likewise, any soldier or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

Sexual harassment is all too common. It occurs not only in the workplace but also away from it at such gathering places as the local post exchange, movie theater, and bowling alley. Maybe some of you have been knowingly or unknowingly involved in or aware of incidents that you now realize would be sexual harassment. How many of you would now feel the need to start corrective action when confronted with this kind of behavior?

INSTRUCTOR NOTE: Listen to and discuss the responses. Read Lesson Plan 4 for a more complete discussion of this issue.

Any soldier or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

WOMEN IN MILITARY SERVICE

Women have entered the Armed Forces as equal partners with men only recently. Because of this, their presence sometimes creates EO problems. Sexual harassment is just one of them. To give you some perspective on women's long involvement with military service, let me give you a brief history.

HISTORY

The first women served as nurses prior to World War I. The Army Nurse Corps was established in 1901 and the Navy Nurse Corps in 1908. In 1942 the Women's Army Auxiliary Corps (WAAC) and Women Accepted for Voluntary Emergency Service (WAVES) were created to serve in World War II.

In 1948 the Women's Armed Services Integration Act capped female enrollment in the military services at 2 percent of the total force; 10 percent of those could be officers.

Public law 90-130, passed in 1967, removed all enlistment limitations on women in military service. However, certain job classifications involving combat assignments (such as infantry, tank, warship, and fighter plane duty) were closed to women. In 1975 the military draft ended, and the Women's

Army Corps (WAC), Women in the Air Force (WAF), and WAVES acronyms were eliminated, and women were integrated into all branches of the Armed forces.

PRESENT STATUS

Today women's roles have greatly expanded. Women play a vital role on the military total team. They enjoy pay, medical benefits, and promotion and pension schedules identical to that of their male counterparts.

TAKING APPROPRIATE AND TIMELY ACTION

Leaders must take the following actions to ensure that their EO programs are effective.

TAKING APPROPRIATE AND TIMELY ACTION

- Apply affirmative action
- Be aware of perceptions
- Conduct interactive training
- Enforce Army standards
- Conduct internal assessments
- Conduct external assessments
- Lead by example

Figure 14-4

INSTRUCTOR NOTE: Show OT 14-5, **TAKING APPROPRIATE AND TIMELY ACTION.**

APPLY AFFIRMATIVE ACTION

The policy of the US Army is to provide equal opportunity and treatment for soldiers and their families both on and off post. The process of affirmative action applies here. Affirmative actions are positive actions taken by DA activities to ensure that this occurs.

BE AWARE OF PERCEPTIONS

You should carefully observe the perceptions of your soldiers. They must recognize and assess indicators of friction or discord.

CONDUCT INTERACTIVE TRAINING

A vigorous interactive EO training program for all soldiers is an effective tool in maintaining a healthy EO program. You must promote such a program.

ENFORCE ARMY STANDARDS

To maintain a strong EO program, Army standards must be strictly enforced.

CONDUCT INTERNAL ASSESSMENTS

You must constantly assess the internal EO climate of your units by mingling with your soldiers.

CONDUCT EXTERNAL ASSESSMENTS

- You should also conduct periodic external assessments of the unit EO climate. You can do this by reading unit surveys, AAP compliance monitoring reports, IG inspection reports, the Military Equal Opportunity Climate Survey (MCOES), and EO seminar feedback reports.

(INSTRUCTOR NOTE: See Lesson Plan 10 for more details on this point.)

LEAD BY EXAMPLE

As leaders you are responsible for setting and maintaining standards of attitude and behavior. Set an example of fairness for all to follow.

INSTRUCTOR NOTE: If all issues have been adequately addressed in student discussion, summarize the lesson by reviewing the following areas.

- Racial and cultural differences.
- Sexual harassment.
- Women in the Army.
- Taking appropriate and timely actions.

Techniques to Champion the Equal Opportunity Program

TASK: Identify the ways to champion the Equal Opportunity (EO) Program.

CONDITIONS: In a classroom environment.

STANDARDS: Identify the ways to champion the EO Program.

TARGET AUDIENCE: Senior NCOs and all officers and warrant officers.

RECOMMENDED TIME: 80 minutes including the practical exercise (PE).

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers.

TOPICS COVERED: Leadership practices conducive to developing an EO climate and a commander's assessment tools.

LEADERSHIP PRACTICES USEFUL IN DEVELOPING AN EO CLIMATE

An effective EO program is one in which commanders and leaders at all levels take a positive, proactive approach. To do this they must have a variety of tools to develop and maintain an EO climate. Being aware of each of these tools is of vital importance.

LEADERSHIP PRACTICES USEFUL IN DEVELOPING AN EO CLIMATE

- Active chain-of-command support
- Posted policy memorandum (EO and sexual harassment)
- Unit-level training
- Understanding of complaint procedures
- Fast process of handling of complaints
- Follow-through on complaints

INSTRUCTOR NOTE: Show OT 15-1, LEADERSHIP PRACTICES USEFUL IN DEVELOPING AN EO CLIMATE.

Figure 15-1

ACTIVE CHAIN-OF-COMMAND SUPPORT

A vital leadership requirement for any organization is continuous and vigorous support from all members in the chain of command. What the "boss" endorses and supports sets the example for what subordinate leaders and soldiers alike tend to support. One who proclaims to support this or that policy or action yet fails to show that support will not gain the respect and loyalty needed to be an effective leader.

A vital leadership requirement for any organization is continuous and vigorous support from all members in the chain of command.

POSTED POLICY MEMORANDUM

Another necessity is a carefully written and posted policy letter which states your standards and expectations of both leaders and soldiers. It should also include EO and sexual harassment.

UNIT-LEVEL TRAINING

Conduct unit-level training. Training and retraining are vital to assuring a positive EO climate. Leadership involvement in training further endorses and communicates to soldiers the emphasis and importance that a commander places on it.

UNDERSTANDING OF COMPLAINT PROCESS

The complaint process must be understood by all levels. When soldiers know that they will receive no negative actions for voicing concerns on EO matters, the overall atmosphere will contribute to fewer EO violations.

FAST PROCESS OF HANDLING COMPLAINTS

Every unit will have an alleged EO offense at one time or another. When soldiers know that the EO complaint process works and that their complaints are given prompt and sincere attention, the positive EO climate is better assured as well.

FOLLOW-THROUGH ON COMPLAINTS

Follow-through on complaints is essential to show your sincerity in support of an EO program and does much to enhance a positive EO climate. .

COMMANDER'S ASSESSMENT TOOLS

The presence in a unit of intergroup concerns, tensions, and disruptive incidents is a human relations problem. However, these disruptions can be discovered and overcome.

A number of effective EO resources are available to show whether potential problems or actual EO abuses exist in organizations. Here are these resources.

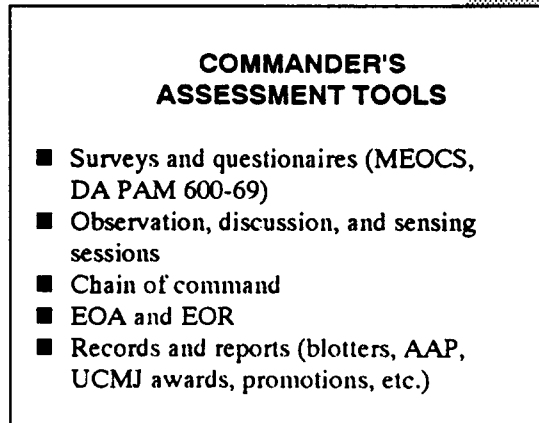


Figure 15-2

INSTRUCTOR NOTE: Show OT 15-2, COMMANDER'S ASSESSMENT TOOLS.

SURVEYS AND QUESTIONNAIRES

Use documents such as the Military Equal Opportunity Climate Survey (MEOCS), unit surveys, Affirmative Action Plan (AAP) compliance monitoring reports, command and IG Inspection Reports, questionnaires, and DA Pam 600-69 (Unit Climate Profile: Commander's Handbook).

OBSERVATION, DISCUSSION, AND SENSING SESSIONS

Observe your soldiers regularly, and establish rapport and two-way communication with them. Use an open-door policy to maintain open channels of communication. This allows you to discuss their problems with them and conduct sensing sessions.

CHAIN OF COMMAND

Use the chain of command to inform you of concerns and problems.

EOA AND EOR

Get information and advice from the brigade-level Equal Opportunity Advisors (EOAs) and unit-level Equal Opportunity Representatives (EORs). Their training and experience are invaluable.

RECORDS AND REPORTS

Read such records and reports as blotters, affirmative action plans (AAPs), UCMJ awards, promotion letters, etc. If those tools and sources available to commanders are not enough, here are more.

INSTRUCTOR NOTE: Show OT 15-3, COMMANDER'S EO CLIMATE ASSESSMENT TOOLS (CONTINUED).

AR 600-20, CHAPTER 6

Army Regulation 600-20, Army Command Policy, discusses the Army's EO policy and program in Chapter 6. The philosophy for these is based on fairness, justice, and equity. Their sole purpose is to provide equal opportunity for military personnel and their family members both on and off post and contribute to mission accomplishment, cohesion, and readiness. The EO policy provides this equal opportunity and treatment without regard to race, color, religion, gender, or national origin and provides an environment free of sexual harassment.

DA PAM 350-20

Department of the Army Pamphlet 350-20, Unit Equal Opportunity Training Guide, contains individual lesson plans for unit training. These plans collectively give soldiers knowledge that can result in improved unit harmony, effectiveness, and mission accomplishment.

TC 25-6

Training Circular 25-6, Commander's Equal Opportunity Handbook, is an excellent source of information for any commander or leader to use in getting a good, overall understanding of equal opportunity.

PRACTICAL EXERCISE 15-1: Divide the class into three groups, and assign a leader for each. Give each group 30 minutes to discuss three EO issues among its members. Following these group discussions, choose an issue for each group to present to the entire class for no more than 10 minutes.

COMMANDER'S EO CLIMATE ASSESSMENT TOOLS (CONTINUED)

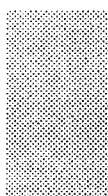
- AR 600-20, Chapter 6
- DA PAM 350-20
- TC 26-6

Figure 15-2 (continued)

REVIEW/SUMMARIZE.

As with many other aspects of command, an effective EO program is one in which commanders take a positive, proactive approach. This may include a policy letter which states your standards and expectations of leaders and soldiers, dynamic training which involves the chain of command leading discussions, vigorous leadership support, unit assessments and action planning. These actions will contribute to a command climate in which soldiers are treated fairly. They in turn will treat other soldiers fairly, and this positive atmosphere enhances unit cohesion and readiness.

INSTRUCTOR NOTE: Based upon available time, use the practical exercises in Appendix B to reinforce learning.



Masters for Overhead Transparencies

Practical Exercise Handouts

PRACTICAL EXERCISE 3-1

SITUATION: You are the commander of a company-sized element. Several soldiers have complained about other soldiers displaying the Confederate flag in the windows of their privately owned vehicles. They feel that these soldiers are sending the message that they support racial segregation and the old South's view of two Americas. The complaining soldiers requested a new policy banning the display of heritage flags of any culture on the military installation.

QUESTION: What action or actions should you take?

SITUATION: While walking through your unit area, you overhear an African-American soldier refer to another African-American soldier as "Homy."

QUESTION: What do you think of the term "Homy" in this context?

PRACTICAL EXERCISE 3-2

PRACTICAL EXERCISE 4-1

SITUATION: You are a squad leader in HHC, USAG. You supervise six soldiers, five men and one woman. The woman, SPC Donna Johnson, was assigned to the company about three months ago. Until two weeks ago you were very pleased with SPC Johnson's work. She was willing and able to take on additional duties when asked. She also seemed to be getting along well with all the men. But now you are beginning to think you may have misjudged her. Lately her work has not been up to standard. Her material reports have been incomplete, accountability of her equipment is constantly inaccurate, and lately she has been "riding sick call." When you talked to her about her work, she seemed distracted and said she would try to improve.

You have also noticed that one of the other soldiers, SPC Matt Thomas, spends a lot of time with SPC Johnson. You overheard him telling her a dirty joke one day, but she smiled and seemed to find it funny. On another occasion you heard him make a comment about her figure. He made the comment to her face and in front of the other men. SPC Thomas can sometimes be obnoxious, but everyone likes him and puts up with it. SPC Johnson has not complained to you, but you feel uneasy about the whole situation.

QUESTIONS:

1. Do you think sexual harassment has occurred in this situation? Why or why not?
2. What is your responsibility as a supervisor? Should you wait for SPC Johnson to object or speak to you, or should you take action based on what you've seen?
3. Do you need more information? If so, how would you get it?
4. What will you do about SPC Johnson's job performance?

PRACTICAL EXERCISE 4-2

SITUATION A: Captain Bob Jack overheard two of his co-workers, CPT Lisa Gray and ILT Adam West, laughing quietly, whispering, and flirting with each other. The next time he passed CPT Gray, CPT Jack winked and said, "Hi, sweet thing," and looked her over, all in a joking manner. Captain Gray was angry and offended and told him so. Did CPT Jack harass CPT Gray?

SITUATION B: When Tom, a civilian supervisor of military personnel, gets his work group together for their monthly planning session, he always has SSG Carol Jackson take notes and make coffee. His work group consists of three administrative assistants--SSG Jackson, SSG Kelvin Bridges, and SSG Reginald Gibson. The three have identical job descriptions. Is Tom sexually harassing Carol?

SITUATION C: Throughout the day, MSG York has to drop by the job site to oversee the work of his crew which is made up of three women and eight men. When he passes SFC Monica Thomas or SSG Pamela Hey he occasionally pats one of them or gives them a "little pinch" or a hug. He has never said anything really sexual to either of them, and they've never objected to his occasional touches. Is he harassing the women?

SITUATION D: Major Chong really likes his subordinates, and he makes a point of treating everyone the same. He especially likes to joke and tease in what he feels is a good-natured way. He makes comments like, "How's your love life?" and "Don't get any on ya," but MAJ Chong would never be lewd or offensive. None of his subordinates has ever objected, and sometimes they laugh. Is this sexual harassment?

SITUATION E: Last night MSG Donald Reese went to a dinner business meeting arranged by his boss, CPT Sandra Issacs. He expected the whole office staff to be there, but it was just the two of them, and the restaurant was dimly lit, with a very romantic atmosphere. After a few drinks MSG Reese realized that the only business to be discussed was CPT Issacs' attraction to him. Just before suggesting that they go to her house for a nightcap, she mentioned MSG Reese's upcoming noncommissioned officers evaluation report (NCOER). Is she sexually harassing MSG Reese?

SITUATION F: Captain Martha White is very attracted to her boss, LTC Dan Black. Since they are both single, she asked him over for dinner one Friday evening. After a very pleasant evening and a few too many drinks, they ended up spending the night together. Could this be considered sexual harassment?

SITUATION: Specialist Gutierrez and PFC Torres were talking about the forthcoming Hispanic Heritage Month observance. Their conversation was in Spanish. Sergeant first class Stevens came up and told them to stop speaking Spanish.

PRACTICAL EXERCISE 5-1

QUESTION: This is an example of which of the following?

- (A) Prejudice and discrimination.
- (B) Prejudice, but not discrimination.
- (C) Discrimination, but not prejudice.
- (D) Neither prejudice nor discrimination.

PRACTICAL EXERCISE 5-2

SITUATION: You are a unit commander. Recently two female soldiers were assigned to your unit. Both women are wheeled vehicle mechanics. When they arrived, the unit was short two clerks. The unit had two men from the motor pool who were filling in until new clerk-typists arrived. Both men hold a secondary MOS of clerk-typist. While inprocessing the women, you find out that they can both type 60 words per minute. Neither woman holds either a primary or secondary MOS as a clerk-typist. However, you decide to send the two men back to the motor pool and give the typist jobs to the women. You feel that the women would be happier in an office environment, and their typing skills justify your decision.

QUESTION: This is an example of which of the following?

- (A) Proper use without discrimination.
- (B) Improper use without discrimination.
- (C) Discrimination, but proper use.
- (D) Discrimination and improper use.

SITUATION: You are a company commander. The first sergeant provided facts showing that the 2d Platoon's platoon leader and platoon sergeant are using discriminatory practices concerning award and promotion recommendations.

PRACTICAL EXERCISE 5-3

QUESTION: What is the appropriate action to take given this information?

PRACTICAL EXERCISE 7

SITUATION: Private E2 Ann Medis hates physical training. It is not because she hates exercising. She has always been athletic. She is tired of remarks by men in the unit such as "Can you make those moves for me, Baby?" When she went to the squad leader and complained, he suggested that she was not "cut out for the Army." He said, "The men were just joking. Don't take it so personally."

QUESTION: Are any leadership actions required? If so, what?

SITUATION: You are the commander of Battery A, 1st Bn, 7th Air Defense Artillery. You have been ordered by the battalion commander to conduct an EO assessment of your unit. Today is Thursday, 11 February 1993. The suspense date for this action is 28 February 1993.

PRACTICAL EXERCISE 10

QUESTION: What actions should you take to successfully accomplish this mission?



Section I: Acronyms and Abbreviations

AAP	Affirmative Action Plan
AR	Army regulation
AWOL	absent without leave
Bn	battalion
CPT	captain
CSM	Command Sergeant Major
DA	Department of the Army
DAC	Department of the Army Civilian
DOD	Department of Defense
EEO	equal employment opportunity
EO	equal opportunity
EOA	Equal Opportunity Adviser
EOR	Equal Opportunity Representative
1SG	first sergeant
1LT	first lieutenant
FM	field manual
HHC	headquarters and headquarters company
IAW	in accordance with
IG	inspector general
LRC	learning resource center
MACOM	major Army command
MAJ	major
MECOS	Military Equal Opportunity Climate Survey
MP	military police
MSG	master sergeant

NCO	noncommissioned officer
NCOER	noncommissioned officer evaluation report
OER	officer evaluation report
OT	overhead transparency
PE	practical exercise
PFC	private first class
PMO	provost marshal office(r)
PV2	private E2
REDCAT	racial and ethnic designation categories
SFC	sergeant first class
SJA	Staff Judge Advocate
SPC	specialist
SSG	staff sergeant
TASC	training and audiovisual support center
TC	training circular
TRADOC	United States Army Training and Doctrine Command
TSP	training support package
UCMJ	Uniform Code of Military Justice
US	United States
USAG	United States Army Garrison
WAAC	Women's Army Auxiliary Corps
WAC	Women's Army Corps
WAF	Women in the Air Force
WAVES	Women Accepted for Voluntary Emergency Service

Section II: Terms

action step - specific action or task undertaken to eliminate or neutralize a problem and to achieve an objective. Information needed includes the agency taking action, a completion date, and an established goal.

affirmative actions - methods used to achieve the objectives of the Equal Opportunity Program. They are processes, activities, and systems designed to identify, eliminate, prevent, and work to overcome the effects of discriminatory treatment as it affects the upward mobility and quality of life for Department of Defense personnel.

Affirmative Action Plan (AAP) - a management document that consists of statements of attainable goals and timetables. This document is required of all Army organizations, commands, agencies, and

activities down to brigade (or equivalent) level. It is designed to achieve equal opportunity for all military personnel. Affirmative Action Plans will concern conditions where —

- a. Affirmative action is needed.
- b. Practical strategies to remedy the conditions are available and explained.
- c. The end-conditions sought are clearly expressed.

anti-Semitism - discrimination, prejudice, or hostility directed toward Jews. It is often expressed in the curtailment of their religious, social, economic, or civil rights.

chain of command - an organization's sequence of commanders who have direct authority and primary responsibility for accomplishing the assigned unit mission while caring for personnel and property in their charge.

complainant - a soldier, military family member, or civilian employee of the Army who submits a complaint of discrimination.

discrimination - treat people differently on a basis other than individual merit.

equal opportunity (EO) - equal consideration and treatment based upon merit, potential, and capability.

Equal Opportunity Advisor (EOA) - an officer and noncommissioned officer serving in a full-time equal opportunity position at brigade (or equivalent) level or higher. In addition to military EOAs, DA civilian employees may be officially assigned to military Equal Opportunity Program duties in accord with applicable position classification standards and guidelines.

ethnic group - a group which is socially distinguished or set apart by others and/or by itself mainly on the basis of cultural or nationality characteristics.

ethnic origin - the quality of being distinguishable from the general population on the basis of actual or perceived cultural criteria such as language, religion, and mores. For the purpose of this pamphlet, ethnic origin is included within the meaning of national origin. Residents of Puerto Rico may be covered under national origin in cases of discrimination.

housing discrimination - denying or attempting to deny housing to Army personnel because of race, color, religion, gender, or national origin. Housing of unmarried personnel on the basis of gender (for example, female-only or male-only barracks) is not considered discriminatory within the interest of this pamphlet.

institutional discrimination - different treatment of individuals in an organization which —

- a. Occurs based on race, color, religion, gender, or national origin.
- b. Results from the normal functioning of the organization.
- c. Operates to the consistent disadvantage of a particular group.

minority group - any group distinguished from the dominant population in terms of race, color, religion, gender, or national origin.

national origin - a person's or ancestor's place of origin. The term also applies to someone who has the physical, cultural, or linguistic characteristics of a national group.

personal racism, sexism, or bigotry - the acting out of prejudices by an individual or group of people against another individual or group because of race, color, religion, gender, or national origin.

prejudice - a negative feeling or dislike based upon a faulty and inflexible generalization. It is prejudging a person or group without knowledge or facts.

race - a division of mankind having certain traits transmissible by descent that are enough to characterize it as a distinct human type.

racism - any attitude or action that race is the main determinant of human traits and capacities and that racial differences makes one race inherently superior to another.

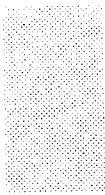
religion - a system of institutionalized attitudes, moral or ethical beliefs, and practices.

sexism - any attitude or action, personal or institutional, which subordinates a person or group because of gender (sex).

sexual harassment - a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

- a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.
- b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.
- c. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

stereotype - an over-generalization or fixed idea that is thought to apply to an entire category or group.



Army Regulations (ARs)

ARMY REGULATIONS (ARs)

- 20-1 Inspector General Activities and Procedures. 15 December 1989.
- 210-50 Housing Management. 24 April 1990.
- 600-20 Army Command Policy. 30 March 1988.
- 600-50 Standards of Conduct for DA Personnel. 28 January 1988.

DEPARTMENT OF THE ARMY PAMPHLETS (DA Pams)

- 165-13 Religious Requirements and Practices of Certain Selected Groups. A Handbook for Chaplains. 28 April 1978.
- 600-26 DA Affirmative Action Plan. 23 May 1990.
- 600-69 Unit Climate Profile, Commander's Handbook. 1 October 1988.

FIELD MANUALS (FMs)

- 22-100 Military Leadership. 31 July 1990.
- 22-101 Leadership Counseling. 3 June 1985.
- 22-102 Soldier Team Development. 2 March 1987.

MISCELLANEOUS PUBLICATION (MISC PUB)

- 9-2 Manual for Courts-martial, United States. 1984 (MCM 1984)

TRAINING CIRCULARS (TCs)

- 26-2 Effective Planning. 18 October 1984.
- 26-4 Conflict Management. 31 December 1984.
- 26-6 Commander's Equal Opportunity Handbook.

The Army's Equal Opportunity Policy

- Equal Treatment for Soldiers, their family members, and DACS
- Applies both on and off post
- Applies to total environment (living and working)
- Provides an environment free of sexual harassment

Figure 1-1

Staffing for Army's EO Program

- Commanders
- Equal Opportunity Advisers (EOAs)
- Equal Opportunity Representatives (EORs)

Figure 1-2

Unit Commander's Responsibilities

- Develop and implement EO programs
- Identify and correct discriminatory practices
- Promote EO interpersonal harmony
- Conduct EO training on a continuous basis
- Monitor/assess the execution of EO programs
- Ensure prompt resolution of EO complaints

Figure 2-1

Chain of Command's Roles and Responsibilities

First Sergeant

Platoon Leader and Platoon Sergeant

Squad Leader

Section/Team Leader

Equal Opportunity Representative (EOR)

Equal Opportunity Adviser (EOA)

Figure 2-2

Equal Opportunity Representative

Equal Opportunity Representatives are unit soldiers trained to help commanders carry out the equal opportunity program within units.

Figure 2-3

Forms of Sexual Harassment

- Verbal Abuse
- Nonverbal abuse
- Physical contact

Figure 4-1

Equal Opportunity Program Components

- Training for all personnel
- Active command support
- Active component support
- A posted policy statement
- Procedures for getting and handling complaints
- Procedures for follow-through on complaints

Figure 4-2

Sexual Harassment Victim

- Loses self-esteem
- Feels insecure
- Unable to fully perform
- Creates a negative impact on others

Figure 4-3

Bottom-Line

Harassed + Pressured + Intimidated = Less Production

Figure 4-4

Victim's Actions

- Put the harasser on notice
- Show displeasure with harassing behavior
- Report the harasser to your leader
- Keep a written record
- File a complaint

Figure 4-5

Discrimination

Making a difference in treatment
on a basis other than individual merit.

Figure 5-1

Factors in Discrimination

Race

Skin Color

National Origin

Gender

Religion

Figure 5-2

UCMJ Articles: Part 1

Offense	Article Number
Making racial or sexual comments and/or gestures	89 and 91 : disrespect 117: provoking speech
	134: indecent language prejudicial to good order and discipline
Offering rewards for sexual favors	134: bribery and graft

Figure 6-1

UCMJ Articles: Part 2

Offense	Article Number
Making unsolicited and unwelcome sexual contact	120: rape 128: assault consummated by a battery
Threatening the career, job, or salary of another unless they "cooperate"	134: indecent assault 127: extortion 134: communicating a threat
Engaging in harassment that affects job performance	92: dereliction of duty
If the harasser is an officer	133: conduct unbecoming an officer

Figure 6-1 (continued)

UCMJ Articles: Part 3

Offense	Article Number
Inflicting treatment that is cruel or considered maltreatment to any person subject to their orders	93: cruelty and maltreatment
Observing discriminatory or sexual harassment acts and neither stopping them nor reporting them to authorities	77: violation of principles
Making false statements	107: false official statement

Figure 6-1 (continued)

Army's Equal Opportunity Policy

- Equal treatment for soldiers and family members
- Both on and off post
- Total environment (living and working)
- Environment free of sexual harassment

Figure 7-1

Major EO Violations

- Discrimination (based on race, color, gender, religion, or national origin)
- Sexual harassment

Figure 7-2

EO Enforcement Responsibilities for Leaders

- Lead by example
- On-the-spot correction (informal counseling)
- Formal counseling (written)
- Non-judicial punishment (Article 15, letter of reprimand, etc.)
- Use of OER and NCOER
- Judicial punishment (court-martials)
- Bar to reenlistment
- Separation action

Figure 7-3

Equal Opportunity Implementation Steps

- Policy memorandum (EO and sexual harassment)
- Trained EOR
- Complaint procedures
- Climate assessment
- Training
- Leading by example

Figure 8-1

Complaints Against the Chain of Command

If the Complaint is Against

Actions Should be Taken by

Company level personnel other than the commander

Unit commander or equivalent

Unit commander or equivalent

Battalion commander or equivalent

Other on-post personnel, agencies, organizations, or off-post establishments

Unit commander or equivalent

Figure 8-2

Equal Opportunity Responsibilities for Leaders

- Actions of the commander
- Timeliness of actions
- Use EO resources
- Use investigative or legal agencies (IG, SJA, PMO, etc.)
- Keep complainant informed

Figure 8-3

Steps for Handling Equal Opportunity Complaints

- Assess the incident
- Interview people involved
- Review records and reports
- Take appropriate action

Figure 8-4

Command Function in the Complaint Process

- Promote chain-of-command use
- Conduct informal investigations
- Monitor on-post activities
- Monitor off-post activities
- Monitor US bases in foreign countries

Figure 8-5

Diversity

The condition of being different.

Figure 9-1

Managing Diversity

A way of creating an environment that will enable all people to reach their full potential in pursuing organizational objectives.

Figure 9-2

Factors Causing Communication Problems

- Communication style
- Nonverbal communication
- Trust
- Accents
- Jargon

Figure 9-3

Values

Beliefs found in our moral system
which regulate our behavior

Figure 9-4

Equal Opportunity Climate Assessment Tools

- MP blotter reports
- Unit surveys
- AAP compliance monitoring reports
- Reports of off-post discrimination
- Reports of unit disturbances
- Complaints about the PX

Figure 10-1

Equal Opportunity Climate Assessment Tools (continued)

- Reports of disorders in the club systems
- Commander's call and command info. sessions
- EO seminar feedback
- MEOCS
- DA PAM 600-69
- Command and IG inspection reports

Figure 10-1 (continued)

Methods for Assessing EO Climate

- Informal and positive two-way communication
- Open-door leadership policy
- Understandable unit procedures
- Positive ethnic recognition
- Equal treatment monitoring

Figure 10-2

Steps to Develop an EO Action Plan

- Interpret the situation
- Analyze the factors and forces
- Develop alternative courses of action
- Choose your courses of action
- Carry out your courses of action

Figure 11-1

Affirmative Actions

Are positive actions made by DA activities to ensure that all soldiers and their families are given equal opportunity in the Army.

Figure 12-1

Affirmative Action Plan (AAP)

Is a personnel management document that consists of statements of attainable goals and their timetables which, when met, ensure equal opportunity for all soldiers. An AAP is required of all Army organizations, commands, and agencies down to brigade (or equivalent) level.

Figure 12-2

The Seven AAP Areas

1. Subject
2. Proponent
3. Objective
4. Affirmative action(s)
5. Goals
6. Milestones
7. Basis for goal(s)

Figure 12-3

Affirmative Action Plan Review Areas

- Training
- Complaints
- Key positions
- Personnel actions
- Ethnic observances

Figure 12-4

Sample AAP Subject Area

Subject: Leadership counseling.

Proponent: Brigade CSM.

Objective: Ensure that soldiers receive adequate counseling.

Affirmative action: All supervisors must keep a copy of FM 22-101, Leadership Counseling, at their work area. They must ensure that counseling is conducted IAW FM 22-101.

Figure 12-5

Sample AAP Subject Area (continued)

Goals: Counsel soldiers at least quarterly on job performance.

Milestone: Provide quarterly counseling schedules to the brigade each month.

Basis for action: During an annual IG inspection to the brigade, it was noted that throughout the brigade soldiers were not receiving proper counseling.

Figure 12-6

Questions about Army EO Issues

- What is the Army's policy on this issue?
- What problems are units experiencing with this issue?
- What is this issue's impact on command climate and unit readiness?

Sexual Harassment

A form of sex discrimination that involves unwelcomed sexual advances, favors, and other verbal or physical conduct of a sexual nature when --

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct interferes with a person's performance or creates an intimidating, hostile, or offensive environment.

Figure 14-2

Forms of Sexual Harassment

- Verbal abuse
- Nonverbal abuse
- Physical contact

Figure 14-3

Taking Appropriate and Timely Action

- Apply affirmative action
- Be aware of perceptions
- Conduct interactive training
- Enforce Army standards
- Conduct internal assessments
- Conduct external assessments
- Lead by example

Figure 14-4

Leadership Practices Useful in Developing an EO Climate

- Active chain-of-command support
- Posted policy memorandum (EO and sexual harassment)
- Unit-level training
- Understanding of complaint procedures
- Fast process of handling complaints
- Follow-through on complaints

Figure 15-1

Commander's Assessment Tools

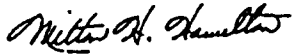
- Surveys and questionnaires (MEOCS, DA PAM 600-69)
- Observation, discussion, and sensing sessions
- Chain of command
- Records and reports (blotters, AAP, UCMJ awards, promotions, etc.)
- AR 600-20, Chapter 6
- DA PAM 350-20
- TC 26-6

Figure 15-2

By Order of the Secretary of the Army:

Official:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

Distribution: Distribution of this publication is made in accordance with DA Form 12-09-E, block number 4357 requirements for DA Pam 350-20, Unit Equal Opportunity Training Guide.

PIN: 056612-000